

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION & VARIANCE - NE/Corner
 York Road & Bosley Avenue * DEPUTY ZONING COMMISSIONER
 (825 York Road)
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District * Case No. 96-112-SPHXA
 Exxon Corporation
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception, and Variance for that property known as 825 York Road, located at the northeast corner of Bosley Avenue and York Road in Towson. The Petitions were filed by the Owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for the Petitioner. The Petitioner seeks a special hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements, and a special exception to permit a fuel service station use-in-combination with a convenience store. The Petitioner also filed a Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign; however, the Petitioner subsequently withdrew its request and the matter proceeded on the requests for special hearing and special exception, only. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, Project Manager for Exxon Corporation, M. Catherine Rehak, Dealer for the past five years, Timothy Whittie, Professional Engineer with Exxon

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 Date 11/24/95
 By [Signature]

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Corporation, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. Appearing as a Protestant in the matter on behalf of the Towson Park Community Association was John A. Harter, its Vice President.

Testimony and evidence offered on behalf of the Petitions revealed that the subject property consists of .77 acres, zoned B.R., and is improved with a gasoline service station which contains one service bay. The Petitioner seeks to convert the existing service bay to a convenience store and improve the aesthetics of the site in accordance with Petitioner's Exhibit 3. The property is located on a major arterial road and is surrounded by a variety of commercial uses, including Budget Rent-A-Car, a Griffith Honda Automobile Yard, and a dry cleaning business.

On behalf of Exxon Corporation, Jennifer Colvard testified that the conversion of service bays to convenience store use is a national market trend among gasoline vendors. The gasoline station service bays are being usurped by the specialty service centers such as Jiffy Lube. According to Ms. Colvard, the reason for this change is that the bay business is seen as unclean and more difficult to maintain. Customers want cleaner, more open sites with easy parking, good lighting, and improved security.

Catherine Rehak testified that her father has owned the Exxon dealership at the subject site since December 1977. Currently, the gasoline station operates 24 hours a day. The proposed convenience store will also operate 24 hours a day. Therefore, no change is proposed in the hours of operation of the facility. Furthermore, Ms. Rehak testified that a video camera will be installed to heighten security.

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Timothy Whittie, the project engineer, testified that the site will be less congested as a result of the proposed conversion. The property will be more open and less congested since tires, engines, and disabled vehicles inherently associated with gasoline service stations will be removed from the premises. In addition, the conversion will reduce the noise and fumes associated with automobile repair. He also testified that the plan incorporates an upgrade in security and lighting. This lighting will be directed down at the site in order to minimize any adverse effects to the adjoining neighborhood. As to the issue of traffic, Mr. Whittie testified that the proposed convenience store use-in-combination will be a "trip interceptor" as opposed to a "trip generator". The ancillary convenience store is not a location stop, rather it intercepts traffic already on the road. Thus, Mr. Whittie's testimony indicated that the proposed conversion of uses would not create significant adverse effects.

On behalf of the Towson Park Community Association, Mr. John Harter argued that the conversion of uses on the subject site will create numerous adverse effects for the adjoining neighborhood. Mr. Harter protested the special exception for the following reasons: The residents behind the station will be negatively impacted by the increased traffic into the store and through the community; the 24-hour operation will attract a wider variety of people who will be more likely to commit crimes in the area; and, trash will increase due to the conversion of the subject site from a service bay use to a convenience store. Right now the site is clean and uncluttered, but the proposed use creates a potential for a teenage hangout that may result in increased loitering. Furthermore, the residents believe that the increased lighting and noise during the overnight hours will create problems for their community. Mr. Harter submit-

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ted two letters from community residents, which have been marked as Protes-
tant's Exhibits 1A and 1B. These letters reiterated that the convenience
store will bring more trash, crime, and loiterers as well as add to the
overdevelopment that has already occurred.

While these concerns may be legitimate, the Hearing Officer must
base the decision to grant or deny a special exception upon the law. The
leading Maryland case on special exceptions, Mossburg v. Montgomery Coun-
ty, (No. 58, 1995 Term) states that the issue is "whether the adverse
effects in a particular location would be greater than the adverse effects
ordinarily associated with a particular use..." Therefore, the question
in this case is whether the adverse effects of this convenience store in
the location described, supra, would be greater than the inherent adverse
effects ordinarily associated with a convenience store. In a 1993 case,
Judge Harrell noted:

"With those inherent adverse effects in mind, the Board must then
analyze which of the actual adverse effects on adjoining and surrounding
properties demonstrated in the particular application exceed, in kind or
degree, the inherent adverse effects due to the proposed location of the
subject property of the application." Sharp v. Howard County Bd. of Ap-
peals, 98 Md. App. 57, 73 (1993).

The most important legal issue Mr. Harter raised was that the
adverse effect associated with this ancillary convenience store use may be
greater in this location because the site lies adjacent to a residential
neighborhood. Mr. Harter asked the question, "How many other convenience
stores are placed next door to residential communities?"

The issue before me, however, is neither a question of compatibil-
ity nor a question of whether any adverse effects will be created. Conve-
nience stores normally create trash, a heightened need for security and
lighting. The Deputy Zoning Commissioner must assume that the legislature
considered these inherent effects before electing to list this use as a

special exception in this zone. As stated in Mossburg v. Montgomery County, supra:

"(W)e conclude, as this Court and the Court of Appeals often have, that a special exception/conditional use in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, and that the exception or use is desirable and necessary in its zoning planning provided certain standards are met."

Currently, the residents live next door to a 24-hour gasoline station with a service bay. The conversion of the ancillary use of this site from a service bay to a convenience store use is unlikely to create adverse effects beyond the inherent effects the legislature considered. No adverse effects above and beyond that normally associated with a convenience store use in this zone were successfully proven by the Protestant. There was not sufficient evidence to establish that the effect of a convenience store on this area would differ in any respect from its effect on another site in the zone. Thus, it appears that the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R., and must, therefore, be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and special exception should be granted and the Petition for Variance shall be dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1995 that the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use-in-combination with a convenience store,

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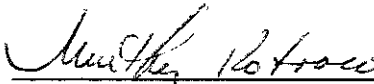
Date

By

in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed improvements must comply with the comments submitted by the Development Plans Review Division (DPRD). A final landscape plan must be approved by DPRD prior to the issuance of any permits.
- 3) Trash collection and management on the subject property must prevent trash from accumulating on site or spreading to the adjacent properties.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign, be and is hereby DISMISSED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
EXXON CORPORATION -PETITIONER	*	COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING, SPECIAL		
EXCEPTION AND VARIANCE ON	*	OF
PROPERTY LOCATED AT YORK ROAD		
AND BOSLEY AVENUE	*	BALTIMORE COUNTY
(825 YORK ROAD)		
9TH ELECTION DISTRICT	*	
3RD COUNCILMANIC DISTRICT	*	CASE NO. 96-112-SPHXA
* * * *	*	* * * *

O P I N I O N

WHEREAS, the Petitioner had filed a Petition for Special Exception to permit an existing fuel service station to also serve as a convenience food store, as well as a special hearing to amend the previously approved plan pursuant to the Baltimore County Zoning Regulations (BCZR); and

WHEREAS, the Deputy Zoning Commissioner, on November 24, 1995, issued an Order relative to the special hearing to approve amendments to the previously approved site plan, Case No. 87-316-A, to reflect the proposed improvements set forth in Petitioner's Exhibit 3; and

WHEREAS, the Deputy Zoning Commissioner further ordered that the Petition for Special Exception to permit a fuel service station use in combination with a convenience store be granted subject to certain restrictions contained within said Order; and

WHEREAS, the Appellants have filed a timely appeal to the Board as to the special exception solely; and

WHEREAS, a hearing was scheduled on June 6, 1996 by the Board, and was postponed by mutual agreement of the parties for the purpose of resolution of the issues; and

WHEREAS, the Appellants have reached an agreement with the

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Exxon Corporation regarding the use, hours of operation, and landscaping of the property; and

WHEREAS, a hearing was held on Tuesday, July 9, 1996, before the County Board of Appeals, at which time Counsel for the Appellants and Counsel for the Petitioner addressed the Board relative to the proposed Settlement Agreement, and the Board had the opportunity to have Petitioner's Exhibit 1, "Landscaping of Grading Plan," and Petitioner's Exhibit 2, "Site Plan," reviewed by Mr. Timothy F. Whittie, Frederick, Ward & Associates, Inc., in addition to Joint Exhibit 1, "Agreement between Towson Park Community Association and Exxon Corporation," with there being no other protestants appearing at the hearing; and

WHEREAS, the Board has reviewed the matter and has held a public deliberation finding unanimously that the requirements of Section 502.1 of the BCZR have been satisfied, and further, supports the granting of the Petition under Section 253.1 of the BCZR; and

WHEREAS, the parties wish to resolve, by this Order, all issues affecting the property without further proceedings;

NOW, THEREFORE, it is this 16th day of August, 1996 by the County Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to use the property known as 825 York Road, York Road and Bosley Avenue, for a fuel service station use in combination with a convenience store in accordance with Petitioner's Exhibit 2 be and is hereby GRANTED.

The Petition herein granted is and shall be subject, however,

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to the terms and conditions more fully set forth in the agreement between Towson Park Community Association, the Exxon Corporation, and Catherine Rehak, Dealer, including, specifically, the following restrictions on the use of the Premises:

1. The service station may operate for 24 hours a day. The station shall be operated in accordance with commercially reasonable standards in keeping with the neighborhood.
2. The hours of operation of the convenience store shall be limited to the hours of 5:00 a.m. to 11:00 p.m. Exxon may petition for a special hearing to change the hours of operation at anytime in the future.
3. Exxon shall place three video cameras in the convenience store to monitor the activity in the convenience store.
4. Exxon shall place the following signs at the service station and/or the convenience store:
 - a. "Cashier has less than \$20.00 cash";
 - b. "Cashier cannot open time-locked safe";
 - c. "No Loitering";
 - d. "Parking limit - fifteen minutes - strictly enforced";
 - e. "Shoplifters will be prosecuted"; and
 - f. "Premises are under continuous electronic surveillance."
5. Exxon shall not place any benches outside of the convenience store, unless such change is agreed to in writing by the parties.
6. Dealer (Rehak) shall be the contact person on behalf of Exxon and herself to receive any complaints about loitering, noise, trash and other issues raised by Towson Park. Dealer (Rehak) shall be available to attend Towson Park meeting. Towson Park shall notify Dealer (Rehak) 14 days in advance of such meeting.
7. Exxon shall place not fewer than three trash receptacles at appropriate spots around the convenience store at the service station and shall cause site to be checked on a regular basis for trash and debris.
8. Exxon shall direct all lighting downwards and away from the surrounding residential area.
9. Exxon and Dealer (Rehak) shall not sell alcohol, lotto or lottery tickets on the subject site.

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10. Exxon and Dealer (Rehak) agree that there will be no preparation of food on the site except for hot dogs and pizza.
11. Exxon and Dealer (Rehak) will conceal the dumpster and trash receptacles as shown on the site plan.
12. Exxon and Dealer (Rehak) agree to limit parking on subject site so as to afford appropriate distance sight lines to Bosley Avenue and/or York Road.
13. Exxon and Dealer (Rehak) agree to submit a landscape plan for the subject site showing improved landscaping, bushes and trees, than exist at the current site this date.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Acting Chairman



Margaret Worrall



Harry E. Buchheister, Jr.

RECORDED

Joint Exh #1

**AGREEMENT IN RESPECT OF EXXON SERVICE STATION
825 YORK ROAD, TOWSON, MARYLAND**

This Agreement is made this 9th day of July, 1996,
by and among EXXON CORPORATION ("Exxon"), CATHERINE REHAK ("Rehak")
and Marie Johnson Johnnie Meyer individuals and TOWSON PARK COMMUNITY
CORPORATION (collectively "Towson Park").

- A. Exxon is the owner of a fuel service station located at 825 York Road in Baltimore County, Maryland (the "service station").
- B. Towson Park represents the residential neighborhood in the vicinity of the service station.
- C. Catherine Rehak is the dealer at the service station.
- D. Exxon desires to remodel the service station to convert the existing service bay facilities to a convenience store.
- E. Under the Baltimore County Zoning Regulations, such a change would require special exception approval by the Zoning Commissioner, and the Zoning Commissioner's decision may be appealed to the Baltimore County Board of Appeals.
- F. On November 24, 1995, Deputy Zoning Commissioner Timothy M. Kotroco, granted Exxon's Petition for Special Exception to permit a fuel service station use-in-combination with the convenience store, and granted the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3 (site

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plan). Deputy Zoning Commissioner Kotroco's findings of fact and conclusion of law dated November 24, 1995 are attached as Exhibit 1.

G. On December 11, 1995, Towson Park appealed the Deputy Zoning Commissioner's decision as to the special exception only to the Baltimore County Board of Appeals.

H. A hearing *de novo* before the Board of Appeals was scheduled for June 6, 1996. That hearing was postponed by the agreement of the parties for the purpose of settling and resolving the outstanding issues between the parties.

I. In response to concerns raised by Towson Park with respect to the operation of the service station, Exxon and Rehak have agreed to certain restrictions in the manner of the operation of the service station.

J. The parties have entered into this Agreement to more fully explain in writing (1) the agreements that Exxon and Rehak have made with respect to the operation and limitations imposed on the subject service station, and (2) in reliance upon the promises of Exxon and Rehak, the terms under which Towson Park will support Exxon's request for special exception approval for the proposed changes to the service station before the Baltimore County Board of Appeals at the continued hearing.

K. The parties request the County Board of Appeals' to incorporate the terms and conditions of this Agreement into its Opinion and Order and impose said conditions as restrictions on the operation of the service station by Exxon and Rehak.

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NOW THEREFORE, for \$5.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

I. AGREEMENTS OF EXXON AND REHAK

1. The service station may operate for twenty-four hours a day. The service station shall be operated in accordance with commercially reasonable standards in keeping with the neighborhood.
2. The hours of operation of the convenience store shall be limited to the hours of 5:00 a.m. to 11:00 p.m. Exxon may petition for a special hearing to change the hours of operation at anytime in the future.
3. Exxon shall place three video cameras in the convenience store to monitor the activity in the convenience store.
4. Exxon shall place the following signs at the service station and/or the convenience store:
 - (a) "Cashier has less than \$20.00 cash";
 - (b) "Cashier cannot open time-locked safe";
 - (c) "No loitering";
 - (d) "Parking limit - fifteen minutes – strictly enforced";
 - (e) "Shoplifters will be prosecuted"; and
 - (f) "Premises are under continuous electronic surveillance".
5. Exxon shall not place any benches outside of the convenience store, unless such change is agreed to in writing by the parties.

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6. Rehak shall be the contact person on behalf of Exxon and herself to receive any complaints about loitering, noise, trash and other issues raised by Towson Park. Rehak shall be available to attend Towson Park meetings. Towson Park shall notify Rehak 14 days in advance of such a meeting.

7. Exxon shall place not fewer than three trash receptacles at appropriate spots around the convenience store at the service station and shall cause site to be checked on a regular basis for trash and debris.

8. Exxon shall direct all lighting downwards and away from the surrounding residential area.

9. Exxon and Rehak shall not sell alcohol, lotto or lottery tickets on the subject site.

10. Exxon and Rehak agree that there will be no preparation of food on the site, except for hot dogs and pizza.

11. Exxon and Rehak will conceal the dumpster and trash receptacles as shown on the site plan.

12. Exxon and Rehak agree to limit parking on subject site so as to afford appropriate distance site lines to Bosley Avenue and/or York Road.

13. Exxon and Rehak agree to submit a landscape plan for the subject site showing improved landscaping, bushes and trees, than exist at the current site today.

II. AGREEMENTS OF TOWSON PARK

Towson Park hereby agrees to support Exxon's application for special exception approval and any other approvals for the remodeling of the service station as described

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herein. Towson Park further agrees to not appeal the decision of the Board of Appeals. Such approval shall include (a) authorization to submit this agreement into evidence at the hearing before the Board of Appeals on July 9, 1996, and (b) agreement to send one representative on behalf of Towson Park to testify at the Board of Appeals hearing on July 9, 1996 in support of Exxon's application. Exxon acknowledges that Towson Park has no power to bind or stop any individual from testifying in opposition. If there is testimony in opposition, Towson Park agrees that the representative testifying will reaffirm the official decision of Towson Park to support the application. Towson Park agrees not to appeal the decision of the Board of Appeals to the Circuit Court for Baltimore County.

III. MISCELLANEOUS

1. Nothing herein shall be construed to require Exxon to undertake any remodeling of the service station or to operate the subject property as a service station with a convenience store. It is the parties' intent that only if Exxon does elect to remodel the service station and Exxon is given approval by the Board of Appeals to remodel, it may do so only in accordance with the terms of this Agreement.
2. The terms of this Agreement shall be incorporated into the Board of Appeals decision and the "Agreements of Exxon" shall be placed as restrictions on the special exception approval by the Board of Appeals.
3. The parties agree that the terms and conditions of this Agreement and subsequent County Board of Appeals Order shall be enforceable by the parties through

the administrative agencies of Baltimore County designated to enforce zoning violations, or directly in the Circuit Court of Baltimore County as an action for breach of contract. The parties further agree the costs of such enforcement (including reasonable attorney's fees) shall be borne by the losing party in such action.)

4. The parties agree that before any enforcement action is taken, the offending party will be notified in writing and be given 14 days to correct such violation.

WITNESS/ ATTEST

David K. Gilman

EXXON CORPORATION

By: Shelley LePlatt
Title: PROJECT ENGINEER

WITNESS/ ATTEST

TOWSON PARK COMMUNITY CORP.

By: John A. Hartel
Title: Vice President Community Assoc.

WITNESS/ ATTEST

David K. Gilman

Catherine Rehak
Catherine Rehak
Title: Dealer

WITNESS/ ATTEST

John A. Hartel

Joshua S. Meyers
Title: Board Member Towson Park Comm. Assoc.
908 Radcliffe Rd

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WITNESS/ ATTEST

John A. Huley
80827

Maria T. Johnson
Title: Board Member Towson Park Comm Assn.
906 Radcliffe Rd

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 16, 1996

John A. Harter, Vice President
Towson Park Community Association
939 Radcliffe Road
Towson, MD 21204

RE: Case No. 96-112-SPHXA
Exxon Corporation -Petitioner

Dear Mr. Harter:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Unless notified of the filing of any petition for judicial review, we will close the subject file 30 days from the date of the enclosed Order.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

Enclosure

cc: G. Scott Barhight, Esquire
Shelly LePlatt, Michael Specht and
Jennifer Colvard /Exxon Corporation
Timothy F. Whittie
Frederick Ward Associates, Inc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NE/Corner York Road & Bosley Avenue
(825 York Road)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-112-SPHXA

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted and the Petition for Variance dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael J. Specht & Ms. Jennifer Colvard, Exxon Company USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

Mr. John A. Harter, Vice President, Towson Park Community Assoc.
939 Radcliffe Road, Towson, Md. 21204

People's Counsel
Case File

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

825 York Road, Towson, MD 21204

96-112-SFHXA

which is presently zoned

BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case No. 87-316-A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301)513-7511

Address

Phone No.

Suite 700

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Towson, MD

21204

(410)

832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-6-95

105



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 825 York Road, Towson, MD 21204

96-112-SHXA

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station with an ancillary convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address 4th Floor

Phone No.

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-6-95

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ORIGINAL RECEIVED FOR FILING
Date 11/24/95
By [Signature]

105



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

825 York Road, Towson, MD 21204

96-112-SP4XA

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

G. Scott Barhight

David K. Gildea

Name

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address

Towson, MD 21204 (410)832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY: Jim

DATE

9-6-95

105



MICROFILMED

ORDER RECEIVED FOR FILING

Date 11/24/95
By [Signature]



Frederick Ward Associates, Inc.

Main Office, P.O. Box 727 5 South Main Street Bel Air, Maryland 21014 (410) 838-7900 / 879-2090 Fax (410) 893-1243

ZONING DESCRIPTION

96-112-SPHXA

825 York Road
Ninth Election District
Baltimore County, Maryland

BEGINNING for the same at a P.K. nail set on the northeasterly right-of-way line of Maryland Route 45, York Road, at a point where said right-of-way intersects the first course of that tract of land conveyed to Standard Oil Company of New Jersey by a deed dated June 26, 1947 as recorded in Liber JWB 1573, folio 369. Thence leaving York Road and binding on part of the first course of the conveyance unto Standard Oil Company

1) North $57^{\circ}46'37''$ East 161.95 feet to a P.K. nail set to intersect the southwesterly side of a twenty foot wide alley as shown on a plat entitled "Subdivision Plan, Towson Park" as recorded in Plat Book GLB 19, folio 110. Thence binding on the southwesterly side of said alley and binding on the second course of the conveyance unto Standard Oil Company

2) South $31^{\circ}39'45''$ East 149.95 feet to a P.K. nail set on the northwesterly right-of-way line of Bosley Avenue a 96 foot wide right-of-way heretofore laid out thence leaving "Towson Park", binding on the northwesterly right-of-way line of Bosely Avenue and on a part of the third course of the conveyance unto Standard Oil Company

3) South $57^{\circ}46'37''$ West 123.58 feet to a rebar set at the end of the second course of that tract or parcel of land conveyed by Esso Standard Oil Company to the County Commissioners of Baltimore County by a deed recorded in Liber GLB 2653, folio 386. Thence leaving Bosely Avenue and binding reversely on the second and first course of the last mentioned conveyance

4) by a tangent curve to the right in an northwesterly direction of radius 38.00 feet an arc distance of 60.06 feet and subtended by a chord North $76^{\circ}56'34''$ West 54.00 feet to a rebar set at a point of tangency

5) North $31^{\circ}39'45''$ West 111.58 feet to the point of beginning hereof

CONTAINING 23967 Square Feet (0.5502 Acre) of land more or less.

105
RECORDED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-112-SPHXA

District: 9th Date of Posting: 10/6/95
Posted for: Special Hearing & Exception - Variance
Petitioner: Exxon Corp
Location of property: 825 York Rd
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 10/13/95
Number of Signs: 1



MICROFILMED

ATTACHMENT TO PETITION FOR VARIANCE TO THE ZONING COMMISSIONER
OF BALTIMORE COUNTY FOR THE PROPERTY LOCATED AT 825 YORK ROAD,
TOWSON, MARYLAND 21204, WHICH IS PRESENTED ZONED BR-AS

Variances: 96-112-S PHXA

1. Section 413.2(F) to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

105

105-112-S PHXA

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 98-112-SPHXA

(Item 105)

825 York Road

NES Boesley Avenue and

York Road

9th Election District

4th Councilmatic

Legal Owner(s):

Exxon Corporation

Hearing: Thursday,

October 26, 1995 at 2:00 p.m.

in Rm. 118, Old Courthouse.

Special Hearing: to approve amendments to previously approved plan in Case #87-316-A. Special Exception: for a fuel service station with an ancillary convenience store. Variance: to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/23/95 Sept. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

RECEIVED

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

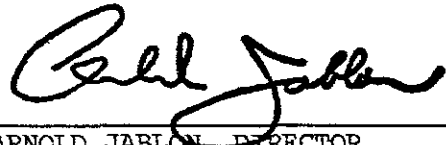
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 105

Petitioner: Exxon Corp.

Location: 825 York Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Guldea Whiteford Tagle & Preston

ADDRESS: 210 W. Penn. Ave Suite 400

Towson, Md. 21204

PHONE NUMBER: (410) 832-2066

96-112-SPHXIX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 12/29/95
Posted for: Appeal
Petitioner: EXXON CORP.
Location of property: 895 York Rd.
Location of Signs: Facing road way on property being appealed
Remarks: _____
Posted by: W. H. Hasky Date of return: 1/5/96
Number of Signs: 1 Signature

RECORDED



TO: PUTUMENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-112-SPHX (Item 105)
825 York Road
NEC Bosley Avenue and York Road
9th Election District - 4th Councilmanic
Legal Owner: Exxon Corporation
HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in Case #87-316-A.
Special Exception for a fuel service station with an ancillary convenience store.
Variance to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

FILED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. **96-112**

DATE **9-6-95** ACCOUNT **FOOI- 6150**

AMOUNT \$

755.00

RECEIVED
FROM:

EXXON CORP

825 YORK RD.

SP. MRG ()

SP. EX. ()

FOR:

POSTAGE

{070}

3X35

650.00

105.00

MAILED OCT 10 1995
BALTIMORE, MD 21201-0000

755.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

JCW

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. **076653**

DATE **12/14/95** ACCOUNT **FOOI 7220**

AMOUNT \$

250.00

RECEIVED
FROM:

TPCC

FOR:

Transportation - 1600 N. W. 10th Ave.

MICROFILMED

#96-112 SAIXA 825 YORK RD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-112-SPHXA (Item 105)

825 York Road

NEC Bosley Avenue and York Road

9th Election District - 4th Councilmanic

Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in Case #87-316-A.

Special Exception for a fuel service station with an ancillary convenience store.

Variance to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

June 7, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-112-SPHXA EXXON CORPORATION -Petitioner
York Road and Bosley Avenue (825 York Road)
9th Election District
4th Councilmanic District

SPH -To approve amendments to previously appvd site plan /Case No. 87-316-A to reflect proposed improvements; SE -to permit fuel service station in combo with convenience store. **APPEALED AS TO SPECIAL EXCEPTION ONLY.**

11/24/95 -D.Z.C.'s Order in which Petitions for Special Hearing and Special Exception were GRANTED. **APPEALED AS TO SPECIAL EXCEPTION PORTION ONLY.**

which was scheduled for hearing on June 6, 1996 was POSTPONED by agreement of parties for purpose of resolution of issues; rescheduled to agreed upon date of 7/09/96; and has been

REASSIGNED FOR: TUESDAY, JULY 9, 1996 at 9:00 a.m.

cc: John A. Harter, Vice President
Towson Park Community Assn.

Appellant /Protestant

G. Scott Barhight, Esquire
and David Gildea, Esquire
Michael J. Specht and Jennifer Colvard
/Exxon Company USA

Counsel for Petitioner

Petitioner

Timothy F. Whittie
Frederick Ward Associates, Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED

Kathleen C. Bianco
Administrative Assistant





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 105
Case No.: 96-112-SPHXA
Petitioner: Exxon Corporation

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



Case No. 96-172-SPHYA

York Road & Bosley Avenue (825 York Road)

Exxon Corporation - Petitioner

9th Election District

Appealed: 12/15/95

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DAK*
 Development Plans Review Division

RE: Zoning Advisory Committee Meeting
 for September 25, 1995
 Item No. 105

The Development Plans Review Division has reviewed the subject zoning item. This office recommends against granting anything that removes any of the already minimal landscaping.

The proposed two parking spaces in the western corner should be denied and the two existing trees retained. The existing trees on the south corner should be retained and supplemented with additional trees.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 105,
106, 107, 109, 110, 112, 113, 114 AND 115.

RECEIVED

SEP 21 1995

MICROFILMED ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 105 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US⁴⁵ are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

96-112-SPHX

TO: Arnold Jablon, Director, PDM

DATE: October 25, 1995

FROM: Pat Keller, Director, PO

SUBJECT: 825 York Road

INFORMATION:

Item Number: 105

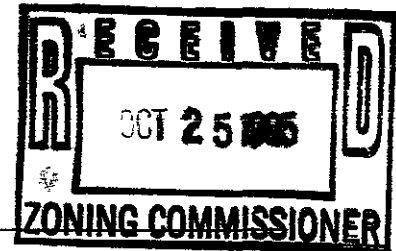
Petitioner: _____

Property Size: _____

Zoning: BL-AS

Requested Action: _____

Hearing Date: ____/____/____



SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a Special Exception for a convenience food store as a use in combination with an existing service station, as well as a Special Hearing to amend the previously approved plan. This would allow the conversion of the existing service bays to a convenience store, remove a small kiosk and add one pump. Apparently, it is the intent of the petitioner to withdraw the sign variance request.

The site is located within the Towson Community Plan area in the York Road North Urban Design area. For the most part the landscape plan and Special Exception dated 9/5/95, received 10/25/95 meets the intent of the streetscape envisioned by the Towson Community Plan.

This office supports the Special Exception with the following minor revisions as agreed to by the developer's representatives:

1. Add one Zelkova at the northwest corner of the site along York road.
2. Substitute two Washington Hawthorne trees for the two Red Twig Dogwood shrubs in the planting island at the intersection of York and Bosley Avenue.
3. Add one Zelkova at the east side of the Bosley Avenue entrance; assure the dumpster is screened with a low hedge.
4. Provide a lockable gate to secure the rear of the building.
5. Substitute Parthenocissus quinquefolia, (Virginia Creeper) for Climbing Hydrangea on the north side wall.

RECEIVED

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

Additionally, this office recommends that the order incorporate a restriction regarding temporary signs; no additional free-standing temporary signs, including streamers or banners.

Prepared by:

Jeffrey W. Long

Division Chief:

Gayle L. Kern

PK/JL

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "BR-AS"; zoning on special exception and special hearing petition says "BL-AS"; folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRF

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid -- no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.

MICROFILMED

APPEAL

Petition for Special Hearing, Special Exception, and Variance
York Road and Bosley Avenue
825 York Road
9th Election District - 4th Councilmanic District
Exxon Corporation-Petitioner
Case No. 96-55-SPHXA

96-112-SPHXA

Petition(s) for Special Hearing, Special Exception, and Variance
(Appealed Special Exception Only)

Description of Property

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - No Exhibit No. 1
2 - 17 photographs of the site
(Marked 2A - 2Q)
3 - Amended Variance and Special
Exception Plan

Letter to Timothy Kotroco from Cheryl Reilly, President of the Towson Park Community
Community Corporation dated November 10, 1995.

Site plan (not marked as exhibit)

Deputy Zoning Commissioner's Order dated November 24, 1995, Special
Hearing (Granted), Special Exception (Granted), and Petition for
Variance (Dismissed)

Notice of Appeal received on December 15, 1995 from John A. Harter,
Vice President on behalf of the Towson Park Community Corporation
for the Special Exception only.

c: Mr. Michael J. Specht and Ms. Jennifer Colvard, Exxon Company
USA, 6301 Ivy Lane, Suite 700, Greenbelt, MD 20770
Mr. John A. Harter, Vice President, Towson Park Community
Association, 939 Radcliffe Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

G. Scott Barhight, Esquire, and David K. Gildea, Whiteford, Taylor & Preston,
210 W. Pennsylvania Avenue, Towson, MD 21204

Request Notification: Timothy M. Kotroco,
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 21, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Special Hearing,
Special Exception, and Variance
825 York Road
9th Election District
4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-55-SPHXA

Dear Mr. Barhight and Mr. Gildea:

Please be advised that an appeal of the special exception portion only of the above-referenced was filed in this office on December 15, 1995 by John A. Harter, on behalf of the Towson Park Community Corporation. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:jaw

c: Mr. Michael J. Specht and Ms. Jennifer Colvard
People's Counsel

MICROFILMED



Called 4:28 PM
12/27/95 Sandy
+ gave her the
Correct case #
96-112-SPHXA/ NOT
also left a message ^{96-55-SPHXA} per
Mr. Specht's Charlotte
voice mail for Exxon
to correct his copy of the
letter with the case #s.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 28, 1996

John A. Harter, Vice President
Towson Park Community Association
939 Radcliffe Road
Towson, MD 21204

Re: Case No. 96-112-SPHXA
Exxon Corporation -Petitioner

Dear Mr. Harter:

The Board is in receipt of your letter dated May 23, 1996 requesting a postponement of the subject matter scheduled for hearing on Thursday, June 6, 1996. We are also in receipt of a letter of opposition to this request from David K. Gildea, Counsel for Petitioner.

The Board notes that on February 13, 1996, Notice of Assignment was sent to all parties indicating a hearing date of June 6th. No requests for postponement were made between that date and your request of May 23, 1996, which was received by the Board on May 23rd, 14 days prior to the scheduled hearing date. Pursuant to the Board's Rule 2(c), your request for postponement must be denied, inasmuch as said request was received by this office within 15 days of the scheduled date, absent the required showing of unusual or extraordinary circumstances.

Your request for postponement is herewith denied, and this matter will be heard on Thursday, June 6, 1996 at 10:00 a.m., as previously scheduled.

Very truly yours,

Robert O. Schuetz, Chairman
County Board of Appeals

cc: David K. Gildea, Esquire
G. Scott Barhight, Esquire
Ms. Shelly LePlatt, Exxon Corporation
Mr. Timothy F. Whittie
/ Frederick Ward Associates, Inc.
People's Counsel for Baltimore County

MICROFILMED



2/13/96 -Notice of Assignment for hearing scheduled for Thursday,
June 6, 1996 at 10:00 a.m. sent to following:

John A. Harter, Vice President
Towson Park Community Assn.
G. Scott Barhight, Esquire
Michael J. Specht and Jennifer Colvard
/Exxon Company USA
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/23/96 -Per telephone call of 5/22/96, received FAX copy of request for postponement from Mr. Harter, et al; to allow time to gather needed data and also to permit settlement discussions between protestants and petitioner. (CC notation to Gildea /Barhight by FAX indicated on PP request letter.)
- T/C to Mr. Barhight's office to confirm receipt of this request.

5/28/96 -Response from Mr. Gildea; oppose postponement of this matter for reasons as stated in letter.

5/28/96 -Letter to Mr. Harter with copies as appropriate. Postponement denied; received 14 days from hearing date; no unusual circumstance cited; per rule 2(c), request is therefore denied and hearing will proceed on June 6th.

6/06/96 -Postponed by agreement of parties; reset to 7/09/96 to permit time for settlement and preparation and review of agreement between parties. Notice to be sent advising of 7/09/96 date at which time settlement will be put on the record and matter concluded as deemed appropriate.

6/07/96 -Notice of PP and Reassignment sent to parties; by agreement of parties, case rescheduled to Tuesday, July 9, 1996 at 9:00 a.m. /matter to be resolved between parties and agreement prepared.

7/09/96 -Hearing convened. At conclusion of same, Board convened for public deliberation. Based upon agreement reached between parties and testimony and evidence, Board will grant special exception. Awaiting submittal of fully executed agreement of parties; Board will then issue Order in which special exception is granted, subject to terms and conditions of agreement and restrictions. C.B.W.

MICROFILMED

Case No. 96-112-SPHXA -Exxon Corporation

6/03/96 -T/C from Jean Plock, 815 Bosley Avenue, protesting 24-hour operation. Husband, Paul Plock, is disabled and unable to attend hearing; requested that file be noted.

ENCLOSURE

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Exxon Corporation -Petitioner
Case No. 96-112-SPHXA

DATE : July 9, 1996 /at conclusion of hearing

BOARD /PANEL : Charles L. Marks (CLM)
Harry E. Buchheister, Jr. (HEB)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were David Gildea, Esquire, on behalf of Exxon Corporation; J. Carroll Holzer, Esquire, on behalf of Towson Park Community Association; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --for public deliberation of matter on appeal in Case No. 96-112-SPHXA.

CLM: In accordance with the State law mandating open meetings relative to zoning matters, this Board will deliberate the matter before us relative to the Exxon Corporation's special exception on the property at York Road and Bosley Avenue. I'll go first.

Having read the entire Board's file in our possession, and having reviewed the Baltimore County Zoning Regulations Section 502, and the matters presented to the Board this morning, I find that the special exception should be granted subject to the terms and conditions of the agreement, which will be mutually executed between the parties, and the Board will issue its written Opinion and Order granting the special exception subject to the terms and conditions of the agreement presented to the Board.

MW: I, too, have read the agreement which has been made between the Exxon Corporation and the community, and I agree with Mr. Marks that the special exception should be granted relative to the restrictions agreed upon.

HEB: I just have one comment to make regarding traffic at that location. It's just superfluous to what has been covered, I guess. But that is a hard station to get into. Coming down Bosley to make a left on York Road, and a right into the station, cars will back up on Bosley; they want to make that left turn to go, I guess it's north, on York, and I wonder if there should not be something about an exit only sign at that corner. They had a car waiting at lower exit; another car

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Deliberation /Exxon Corporation /96-112-SPHXA

wanted to come in; and they sat. That may happen once a month, but I think there is a tendency for a traffic delay, and I'm always in a hurry. But...willingness to cooperate and what has been addressed in the agreement, certainly special exception should be granted.

CLM: Therefore, in accordance with the unanimous decision of the Board, the Board of Appeals will grant the approval for the special exception subject to the terms and conditions of the agreement which has been mutually agreed upon by the Appellant and Petitioners; and the Board will issue its written Opinion and Order in short order. I understand there will be no appeal from the decision of the Board?

Mr. Holzer: Correct. If the conditions are approved, we agree that those people we represent will not file an appeal.

PMZ: Technically our office is not constrained by that. If we wanted to, we could. I'm not sure of the basis, and have no intention to, but I don't know if one can incorporate no appeal to be taken.

Mr Holzer: The Towson Park Community Association agreed to bind themselves that no appeal will be taken.

Mr. Gildea: Would then be appealable as a breach of contract.

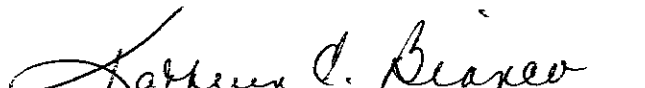
CLM: Okay, so therefore, any appeal can be taken within 30 days of the written Order.

I would just like to say on behalf of the Board members, I appreciate both sides of the aisle -- in not having to have a full hearing.

That concludes today's hearing.

* * * * *

Respectfully submitted,


Kathleen C. Bianco
Legal Administrator

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
825 York Road, NEC Bosley Ave and York Rd		
9th Election District, 4th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: Exxon Corporation	*	CASE NO. 96-112-SPHXA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 11, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File: Case No. 96-112-SPHXA
EXXON CORPORATION
9th E; 3rd C

As no further appeals have been taken regarding the subject case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-112-SPHXA)

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5891-95

12/15/95
8
to JW

TPCC Towson Park Community Corporation
P.O.Box 36542 Baltimore, Maryland 21286

December 11, 1995

Baltimore County
Dept. of Permits & Development
Management
Suite 111
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Sir:

Towson Park Community Corporation wishes to exercise its right to file an appeal in the following matter:

SPECIAL EXCEPTION
NE/Corner York Road & Bosley Avenue
(825 York Road)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-112-SPHXA

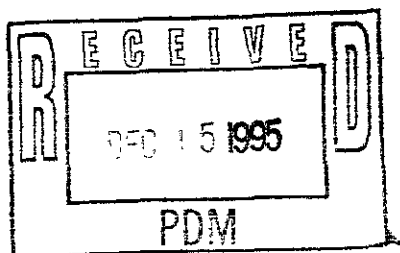
Enclosed you will find a second original of this letter to be date stamped and returned and a check from Towson Park Community Corporation in the amount of two hundred and fifty dollars (\$250.00) for the filing fee.

Please return the date stamped copy of this letter to Mr. John Harter, Vice President, Towson Park Community Corporation, 939 Radcliffe Road, Towson, Maryland 21204.

Thank you for your attention to this matter.

Sincerely,

John A. Harter
John A. Harter



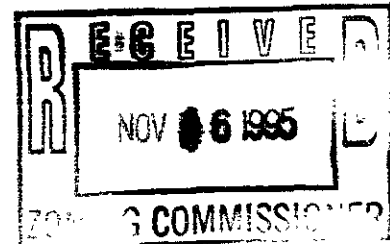
12/15/95

TPCC Towson Park Community Corporation
P.O.Box 36542 Baltimore, Maryland 21286

file
96-1123P1X

November 10, 1995

Mr. Timothy Kotroco
Baltimore County
Zoning Commissioner
111 West Chesapeake Ave.
Towson, Maryland 21204



Dear Mr. Kotroco,

It has come to the attention of the Towson Park Community after your hearing Oct. 26th regarding Rehak's Towson Park Exxon Service Station that in the same block of York Road the Crown Station will put in a convenience store. Crown has the appropriate zoning in place for a convenience store.

The Exxon Service Garage is only open from 8:00 a.m. to 6:00 p.m. It provides towing and automotive services that are not provided anywhere else in the immediate community. We feel changing the Service Garage to a convenience store is not in the best interest of our community and the surrounding area.

With a convenience store at the corner of York and Bosley we anticipate serious problems with the traffic flow. A left hand turn is prohibited during certain hours at Bosley when going south on York Road. Going North at rush hour traffic is extremely heavy and coming down from Bosley anyone turning into the Exxon station stops the traffic flow in the intersection. The Crown location is more accessible from a traffic flow standpoint.

We strongly request you not grant the zoning exception to Rehak's Towson Park Exxon.

Sincerely,

Cheryl Reilly

Cheryl Reilly
President
Towson Park
Community Corporation

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WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

50 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
2029539@mcimail.com

May 24, 1996

Via Hand Delivery

Chairman Robert Schuetz
Baltimore County Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Exxon Station at York Road and Bosley Avenue
Appeal of Special Exception in
Case No.: SPHXA96-112
Towson Park Community Association's
Request for a Postponement

Dear Mr. Schuetz:

Exxon Corporation, by and through its attorneys, David K. Gildea and Whiteford, Taylor & Preston, LLP, hereby opposes the Towson Park Community Association's Request for Postponement.

In a letter dated May 23, 1996, the Towson Park Community Association requested a postponement of a June 6, 1996 hearing before the Board of Appeals. Pursuant to the Board of Appeals Rules of Practice and Procedure Rule 2C, the Towson Park Community Association must show circumstances that are of an "unusual and extraordinary nature." The letter is within the fifteen (15) days prior to the hearing date. Towson Park has had ample opportunity to prepare for the Zoning Commissioner hearing and for the Board of Appeals hearing. Further, Towson Park has had ample opportunity to enter in negotiations with Exxon and did not start negotiations until the

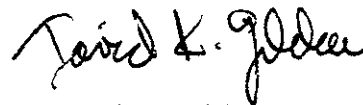
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final hour prior to the Board of Appeals hearing. Regardless, the request to continue discovery and further negotiations are not circumstances that are "unusual and extraordinary in nature." In fact, discovery and negotiations are the normal part of any legal case and must be taken into consideration while pursuing an appeal. Clearly, the request to continue discovery and negotiate with an opponent would never constitute unusual and extraordinary circumstances to warrant a postponement of a hearing within fifteen (15) days of its scheduled hearing date.

For the foregoing reasons, Exxon Corporation respectfully requests that this Honorable Board deny Towson Park Community Association's Request for a Postponement.

Should you have any questions or comments, please contact me. With kind regards.

Very truly yours,



David K. Gildea

DKG/kml

cc: Mr. John A. Harter, Towson Park Community Association
Ms. Shelly LePlatt, Exxon Corporation
Mr. Timothy F. Whittie, Frederick Ward Associates, Inc.

78450

ENCLOSURE

To: Baltimore County Board of Appeals
Old Courthouse Room 49
400 Washington Ave Towson, Md 21204
Fax 887-3182

5-23-96

From: John A. Harter Vice Pres 821-6416
Towson Park Community Assn.

Re: Exxon SP/HXA 96-112 Hearing Postponement
Request.

Please accept this request for a postponement
of the hearing scheduled for June 6, 1996 @ 10:00am.
As a community we would like additional time
to address the following items.

1. Collect additional information and data regard-
ing convenience stores near communities and their
positive and negative impact to the communities.

2. Continue our negotiations with the Attorney
Group Representing Exxon (David Gilday, G. Scott Barhight)
to come to agreements which both parties find accept-
able. (If so, hearing will not be necessary)

Thank you.

CC - G. Scott Barhight Esquire / David Gilday Esq
Michael J. Specht and Jennifer Colvard / Exxon Co. USA.
MICROFILMED Fax 832-2015

TRANSMISSION VERIFICATION REPORT

TIME: 05/22/1996 10:12
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE, TIME
FAX NO./NAME
DURATION
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RESULT
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OK
STANDARD

T/C FROM MR. HARTER
TO
FAX RECOVER

BARTIGHT'S
OFFICE

OPPOSES

REQUEST

- ~~TRYING~~ TRYING to
reach negotiations
but don't think they
will!

TO: MR. HARTER
821-6416

FROM: CBA 887-3182

5-22-96

7 PAGES

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6253-95

Baltimore County Zoning Commission
Room 301
Baltimore County Office Building
Chesapeake Avenue, Towson

27 November 1995

96-112

11/30/95
S

As an eighteen [18] year homeowner on Radcliffe Road in Towson Park whose property directly abuts the EXXON station in the 900 block of York Road, I wish to voice my concern to EXXON's interest in changing their zoning classificaiton to allow a minimart to be constructed in place of REHACK's car service bays.

Over the years, I have used REHACK's for service to my various auto's. The service has been reliable and convenient. The service attendants polite and honest.

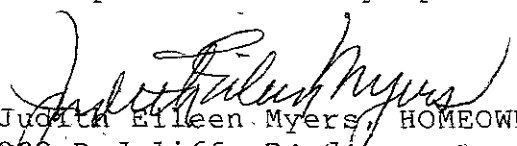
Barely a half block away, the Crown Central Station is currently zoned for a minimart whose constrtuction is imminent. It seems redundant to have two similar marts so close together. [EXXON might argue that they fear loss of gas revenue if they are not competative with the minimart. This is not valid, in my opinion, as the gases are not of the same quality.]

The intersection of York and Bosley will have additional traffic problems - accidents - back ups from cars not being able to either exit or enter the station.[It is like that now!!!!]

Since the minimart will be open twenty-four [24] hours, increased noise and disturbance to me and my neighbors will follow. [Will I be compelled to install a higher fence and additional security devices?]

Crime, guns, shoplifting, loitering, vandallism, breaking and entering are some of the other fears that this change in zoning evokes in me.

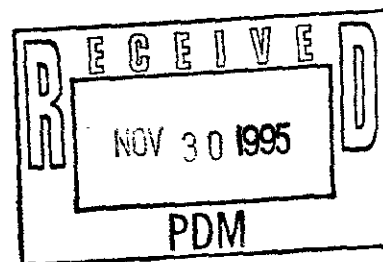
We in Towson Park want Rehack's to stay. We do not want the EXXON to expand with the proposed zoning change.


Judith Eileen Myers, HOMEOWNER and Board Member: Towson Park
908 Radcliffe Road
Towson Park

Community Assoc.

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EXXON-Zoning
York & Busby



EXHIBITS

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

PETITIONER'S

PROTESTANT'S

NAME

ADDRESS

- (1) Site Plan ~~10/25/95~~
(2) Photographs (A-G)
(3) Amended Site Plan

10/25/95

- (1)
(1a) Letters

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

96-112-SP4AA

ADDRESS

JENNIFER COLVARD, Exxon Co, USA

6301 IVY LANE, STE 700 GREENBELT, MD

Daniel K. Guleben

Whiteford, Taylor & Preston
210 W. Penn Ave
Towson, Md. 21204

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John A. Harter

939 Radcliffe Rd Towson, 21204



PROTESTANT

AGREEMENT IN RESPECT OF EXXON SERVICE STATION
825 YORK ROAD, TOWSON, MARYLAND

This Agreement is made this 9th day of July, 1996,

by and among EXXON CORPORATION ("Exxon"), CATHERINE REHAK ("Rehak")
and Maria Judith Towson, Myers individuals and TOWSON PARK COMMUNITY
CORPORATION (collectively "Towson Park").

- A. Exxon is the owner of a fuel service station locate at 825 York Road in Baltimore County, Maryland (the "service station").
- B. Towson Park represents the residential neighborhood in the vicinity of the service station.
- C. Catherine Rehak is the dealer at the service station.
- D. Exxon desires to remodel the service station to convert the existing service bay facilities to a convenience store.
- E. Under the Baltimore County Zoning Regulations, such a change would require special exception approval by the Zoning Commissioner, and the Zoning Commissioner's decision may be appealed to the Baltimore County Board of Appeals.
- F. On November 24, 1995, Deputy Zoning Commissioner Timothy M. Kotroco, granted Exxon's Petition for Special Exception to permit a fuel service station use-in-combination with the convenience store, and granted the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3 (site

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plan). Deputy Zoning Commissioner Kotroco's findings of fact and conclusion of law dated November 24, 1995 are attached as Exhibit 1.

G. On December 11, 1995, Towson Park appealed the Deputy Zoning Commissioner's decision as to the special exception only to the Baltimore County Board of Appeals.

H. A hearing *de novo* before the Board of Appeals was scheduled for June 6, 1996. That hearing was postponed by the agreement of the parties for the purpose of settling and resolving the outstanding issues between the parties.

I. In response to concerns raised by Towson Park with respect to the operation of the service station, Exxon and Rehak have agreed to certain restrictions in the manner of the operation of the service station.

J. The parties have entered into this Agreement to more fully explain in writing (1) the agreements that Exxon and Rehak have made with respect to the operation and limitations imposed on the subject service station, and (2) in reliance upon the promises of Exxon and Rehak, the terms under which Towson Park will support Exxon's request for special exception approval for the proposed changes to the service station before the Baltimore County Board of Appeals at the continued hearing.

K. The parties request the County Board of Appeals' to incorporate the terms and conditions of this Agreement into its Opinion and Order and impose said conditions as restrictions on the operation of the service station by Exxon and Rehak.

NOW THEREFORE, for \$5.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

I. AGREEMENTS OF EXXON AND REHAK

1. The service station may operate for twenty-four hours a day. The service station shall be operated in accordance with commercially reasonable standards in keeping with the neighborhood.

2. The hours of operation of the convenience store shall be limited to the hours of 5:00 a.m. to 11:00 p.m. Exxon may petition for a special hearing to change the hours of operation at anytime in the future.

3. Exxon shall place three video cameras in the convenience store to monitor the activity in the convenience store.

4. Exxon shall place the following signs at the service station and/or the convenience store:

- (a) "Cashier has less than \$20.00 cash";
- (b) "Cashier cannot open time-locked safe";
- (c) "No loitering";
- (d) "Parking limit - fifteen minutes – strictly enforced";
- (e) "Shoplifters will be prosecuted"; and
- (f) "Premises are under continuous electronic surveillance".

5. Exxon shall not place any benches outside of the convenience store, unless such change is agreed to in writing by the parties.

6. Rehak shall be the contact person on behalf of Exxon and herself to receive any complaints about loitering, noise, trash and other issues raised by Towson Park. Rehak shall be available to attend Towson Park meetings. Towson Park shall notify Rehak 14 days in advance of such a meeting.

7. Exxon shall place not fewer than three trash receptacles at appropriate spots around the convenience store at the service station and shall cause site to be checked on a regular basis for trash and debris.

8. Exxon shall direct all lighting downwards and away from the surrounding residential area.

9. Exxon and Rehak shall not sell alcohol, lotto or lottery tickets on the subject site.

10. Exxon and Rehak agree that there will be no preparation of food on the site, except for hot dogs and pizza.

11. Exxon and Rehak will conceal the dumpster and trash receptacles as shown on the site plan.

12. Exxon and Rehak agree to limit parking on subject site so as to afford appropriate distance site lines to Bosley Avenue and/or York Road.

13. Exxon and Rehak agree to submit a landscape plan for the subject site showing improved landscaping, bushes and trees, than exist at the current site today.

II. AGREEMENTS OF TOWSON PARK

Towson Park hereby agrees to support Exxon's application for special exception approval and any other approvals for the remodeling of the service station as described

herein. Towson Park further agrees to not appeal the decision of the Board of Appeals. Such approval shall include (a) authorization to submit this agreement into evidence at the hearing before the Board of Appeals on July 9, 1996, and (b) agreement to send one representative on behalf of Towson Park to testify at the Board of Appeals hearing on July 9, 1996 in support of Exxon's application. Exxon acknowledges that Towson Park has no power to bind or stop any individual from testifying in opposition. If there is testimony in opposition, Towson Park agrees that the representative testifying will reaffirm the official decision of Towson Park to support the application. Towson Park agrees not to appeal the decision of the Board of Appeals to the Circuit Court for Baltimore County.

III. MISCELLANEOUS

1. Nothing herein shall be construed to require Exxon to undertake any remodeling of the service station or to operate the subject property as a service station with a convenience store. It is the parties' intent that only if Exxon does elect to remodel the service station and Exxon is given approval by the Board of Appeals to remodel, it may do so only in accordance with the terms of this Agreement.
2. The terms of this Agreement shall be incorporated into the Board of Appeals decision and the "Agreements of Exxon" shall be placed as restrictions on the special exception approval by the Board of Appeals.
3. The parties agree that the terms and conditions of this Agreement and subsequent County Board of Appeals Order shall be enforceable by the parties through

the administrative agencies of Baltimore County designated to enforce zoning violations, or directly in the Circuit Court of Baltimore County as an action for breach of contract. The parties further agree the costs of such enforcement (including reasonable attorney's fees) shall be borne by the losing party in such action.)

4. The parties agree that before any enforcement action is taken, the offending party will be notified in writing and be given 14 days to correct such violation.

WITNESS/ ATTEST

David L. Golden

EXXON CORPORATION

By: Shelley Le Platt
Title: PROJECT ENGINEER

WITNESS/ ATTEST

[Signature]

TOWSON PARK COMMUNITY CORP.

By: John A. Hantler
Title: Vice President Community Assoc.

WITNESS/ ATTEST

David L. Golden

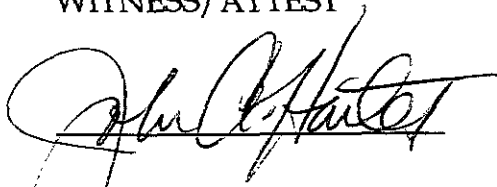
Catherine Rehak
Catherine Rehak
Title: Realtor

WITNESS/ ATTEST

John A. Hantler

Judith E. Myers
Title: Board Member Towson Park Comm. Assoc.
908 Radcliffe Rd

WITNESS/ ATTEST


80927

Maria T. Johnson

Title: Board Member Towson Park Comm. Assoc.
906 Radcliffe Rd.

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
 SPECIAL EXCEPTION & VARIANCE - NE/Corner.
 York Road & Bosley Avenue * DEPUTY ZONING COMMISSIONER
 (825 York Road)
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District * Case No. 96-112-SPHXA
 Exxon Corporation
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception, and Variance for that property known as 825 York Road, located at the northeast corner of Bosley Avenue and York Road in Towson. The Petitions were filed by the Owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for the Petitioner. The Petitioner seeks a special hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements, and a special exception to permit a fuel service station use-in-combination with a convenience store. The Petitioner also filed a Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign; however, the Petitioner subsequently withdrew its request and the matter proceeded on the requests for special hearing and special exception, only. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, Project Manager for Exxon Corporation, M. Catherine Rehak, Dealer for the past five years, Timothy Whittie, Professional Engineer with Exxon

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Corporation, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. Appearing as a Protestant in the matter on behalf of the Towson Park Community Association was John A. Harter, its Vice President.

Testimony and evidence offered on behalf of the Petitions revealed that the subject property consists of .77 acres, zoned B.R., and is improved with a gasoline service station which contains one service bay. The Petitioner seeks to convert the existing service bay to a convenience store and improve the aesthetics of the site in accordance with Petitioner's Exhibit 3. The property is located on a major arterial road and is surrounded by a variety of commercial uses, including Budget Rent-A-Car, a Griffith Honda Automobile Yard, and a dry cleaning business.

On behalf of Exxon Corporation, Jennifer Colvard testified that the conversion of service bays to convenience store use is a national market trend among gasoline vendors. The gasoline station service bays are being usurped by the specialty service centers such as Jiffy Lube. According to Ms. Colvard, the reason for this change is that the bay business is seen as unclean and more difficult to maintain. Customers want cleaner, more open sites with easy parking, good lighting, and improved security.

Catherine Rehak testified that her father has owned the Exxon dealership at the subject site since December 1977. Currently, the gasoline station operates 24 hours a day. The proposed convenience store will also operate 24 hours a day. Therefore, no change is proposed in the hours of operation of the facility. Furthermore, Ms. Rehak testified that a video camera will be installed to heighten security.

Timothy Whittie, the project engineer, testified that the site will be less congested as a result of the proposed conversion. The property will be more open and less congested since tires, engines, and disabled vehicles inherently associated with gasoline service stations will be removed from the premises. In addition, the conversion will reduce the noise and fumes associated with automobile repair. He also testified that the plan incorporates an upgrade in security and lighting. This lighting will be directed down at the site in order to minimize any adverse effects to the adjoining neighborhood. As to the issue of traffic, Mr. Whittie testified that the proposed convenience store use-in-combination will be a "trip interceptor" as opposed to a "trip generator". The ancillary convenience store is not a location stop, rather it intercepts traffic already on the road. Thus, Mr. Whittie's testimony indicated that the proposed conversion of uses would not create significant adverse effects.

On behalf of the Towson Park Community Association, Mr. John Harter argued that the conversion of uses on the subject site will create numerous adverse effects for the adjoining neighborhood. Mr. Harter protested the special exception for the following reasons: The residents behind the station will be negatively impacted by the increased traffic into the store and through the community; the 24-hour operation will attract a wider variety of people who will be more likely to commit crimes in the area; and, trash will increase due to the conversion of the subject site from a service bay use to a convenience store. Right now the site is clean and uncluttered, but the proposed use creates a potential for a teenage hangout that may result in increased loitering. Furthermore, the residents believe that the increased lighting and noise during the overnight hours will create problems for their community. Mr. Harter submit-

ted two letters from community residents, which have been marked as Protestant's Exhibits 1A and 1B. These letters reiterated that the convenience store will bring more trash, crime, and loiterers as well as add to the overdevelopment that has already occurred.

While these concerns may be legitimate, the Hearing Officer must base the decision to grant or deny a special exception upon the law. The leading Maryland case on special exceptions, Mossburg v. Montgomery County, (No. 58, 1995 Term) states that the issue is "whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use..." Therefore, the question in this case is whether the adverse effects of this convenience store in the location described, supra, would be greater than the inherent adverse effects ordinarily associated with a convenience store. In a 1993 case, Judge Harrell noted:

"With those inherent adverse effects in mind, the Board must then analyze which of the actual adverse effects on adjoining and surrounding properties demonstrated in the particular application exceed, in kind or degree, the inherent adverse effects due to the proposed location of the subject property of the application." Sharp v. Howard County Bd. of Appeals, 98 Md. App. 57, 73 (1993).

The most important legal issue Mr. Harter raised was that the adverse effect associated with this ancillary convenience store use may be greater in this location because the site lies adjacent to a residential neighborhood. Mr. Harter asked the question, "How many other convenience stores are placed next door to residential communities?"

The issue before me, however, is neither a question of compatibility nor a question of whether any adverse effects will be created. Convenience stores normally create trash, a heightened need for security and lighting. The Deputy Zoning Commissioner must assume that the legislature considered these inherent effects before electing to list this use as a

special exception in this zone. As stated in Mossburg v. Montgomery County, supra:

"(W)e conclude, as this Court and the Court of Appeals often have, that a special exception/conditional use in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, and that the exception or use is desirable and necessary in its zoning planning provided certain standards are met."

Currently, the residents live next door to a 24-hour gasoline station with a service bay. The conversion of the ancillary use of this site from a service bay to a convenience store use is unlikely to create adverse effects beyond the inherent effects the legislature considered. No adverse effects above and beyond that normally associated with a convenience store use in this zone were successfully proven by the Protestant. There was not sufficient evidence to establish that the effect of a convenience store on this area would differ in any respect from its effect on another site in the zone. Thus, it appears that the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R., and must, therefore, be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and special exception should be granted and the Petition for Variance shall be dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1995 that the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3, be and is hereby GRANTED; and,

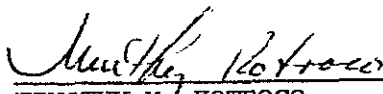
IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use-in-combination with a convenience store,

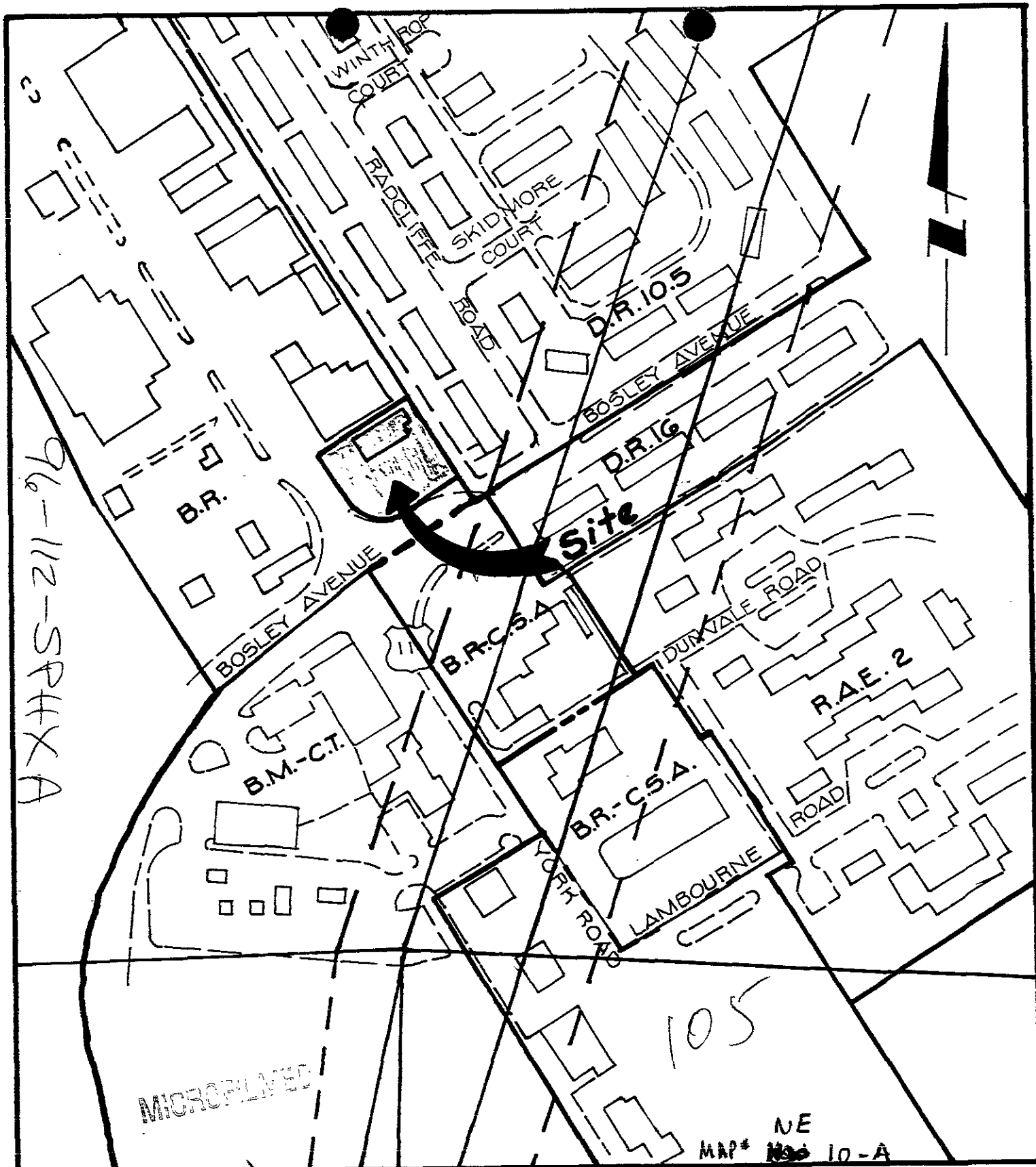
in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed improvements must comply with the comments submitted by the Development Plans Review Division (DPRD). A final landscape plan must be approved by DPRD prior to the issuance of any permits.
- 3) Trash collection and management on the subject property must prevent trash from accumulating on site or spreading to the adjacent properties.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign, be and is hereby DISMISSED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



SCALE
1"=200'

DATE
7/21/95

FREDERICK WARD ASSOCIATES, INC.

DR. BY
JAB & E.C.B.

CH. BY

ENGINEERS-ARCHITECTS-SURVEYORS

PLAT NO.

JOB NO.
94216.00



5 SOUTH MAIN STREET

BEL AIR, MARYLAND 21014-0727

(410)838-7900 (410)879-2090

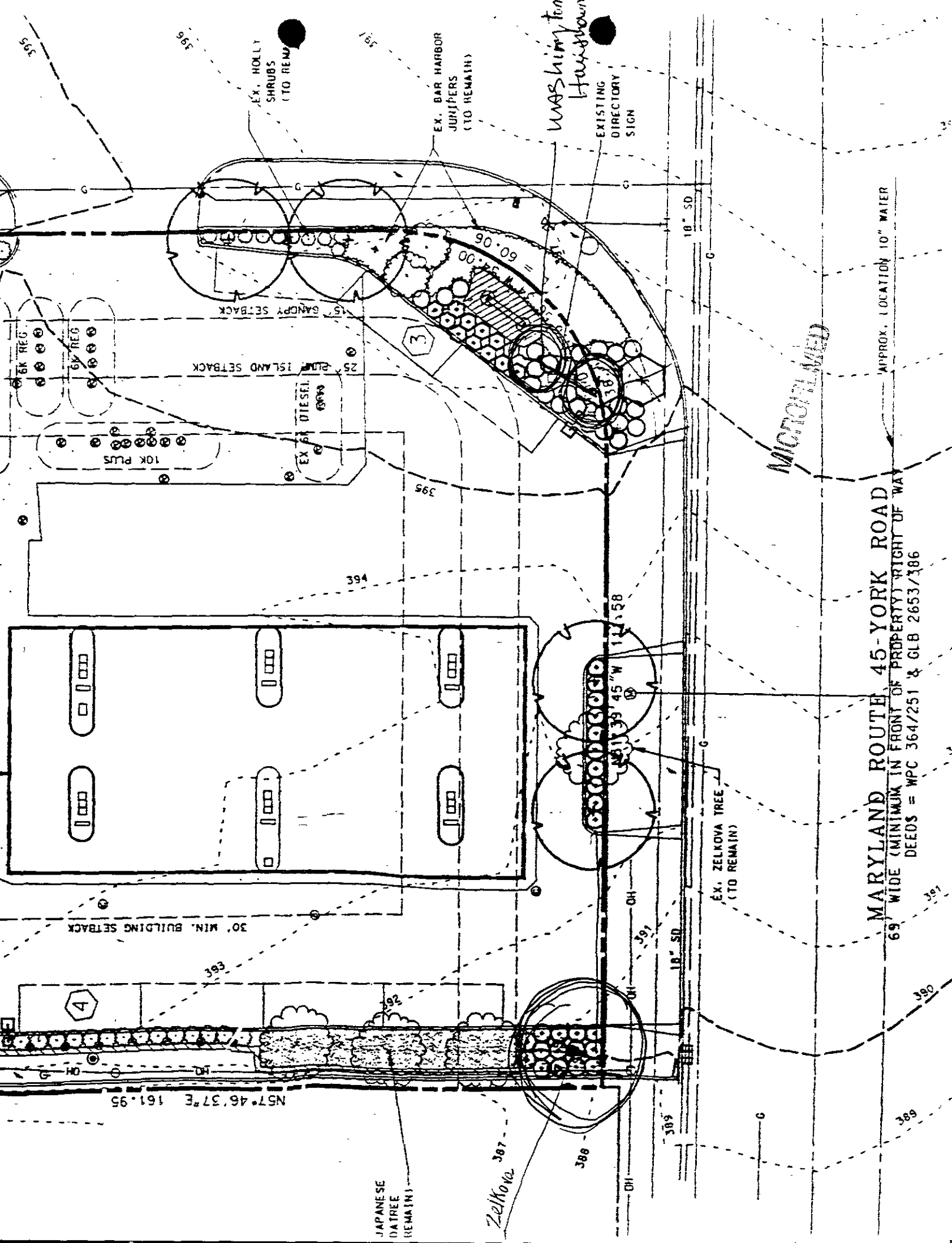
EXXON

ZONING
MAP

825 YORK ROAD
TOWSON, MARYLAND

NE
MAP# ~~105~~ 10-A

York & Bosley



395

396

397

EX. HOLLY
SHRUBS
(TO REMAIN)

EX. BAR HARBOR
JUNKIES
(TO REMAIN)

WASHINGTON
HIGHWAY

EXISTING
DIRECTORY
SIGN

6K REG

10K PLUS

25' PLANT ISLAND SETBACK

15' SANDY SETBACK

EX. DIESEL

394

395

12.58

45° W

12.58

12.58

12.58

12.58

12.58

12.58

12.58

12.58

12.58

18" SD

18" SD

EX. ZELKOVA TREE
(TO REMAIN)

MICROFILMED

MARYLAND ROUTE 45-YORK ROAD

APPROX. LOCATION 10" WATER

69' WIDE (MINIMUM IN FRONT OF PROPERTY) RIGHT OF WAY
DEEDS = WPC 364/251 & GLB 2653/386

N57°46'37"E 161.95

JAPANESE
OAK TREE
(REMAIN)

Zelkova

387

388

389

390

391

392

393

394

395

396

397

398

399

400

40

⑤

(42)

(43)

(44)

45

(46)

20' WIDE ALLEY

EX. DECIDUOUS TREE
(TO REMAIN)

ADD LOC³⁹² KABLE
GATE.

EX. WHITE
PINE
(TO REMAIN)

EX. B² SANITARY

Evergreen
the
cissus quinque

EXISTING 1 STORY
BAY SERVICE STATION
F.F.-250.7
TO REMAIN

-EX DEUTZIA
(TO REMAIN)

EX. JUNIPERS
(TO REMAIN)

Assessed
Houses
EXISTING with
HOUSE

Edwards.

IN THE MATTER OF THE * BEFORE THE
THE APPLICATION OF *
EXXON CORPORATION -PETITIONER * COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING, SPECIAL * OF
EXCEPTION AND VARIANCE ON *
PROPERTY LOCATED AT YORK ROAD * BALTIMORE COUNTY
AND BOSLEY AVENUE *
(825 YORK ROAD) *
9TH ELECTION DISTRICT * CASE NO. 96-112-SPHXA
3RD COUNCILMANIC DISTRICT * *

O P I N I O N

WHEREAS, the Petitioner had filed a Petition for Special Exception to permit an existing fuel service station to also serve as a convenience food store, as well as a special hearing to amend the previously approved plan pursuant to the Baltimore County Zoning Regulations (BCZR); and

WHEREAS, the Deputy Zoning Commissioner, on November 24, 1995, issued an Order relative to the special hearing to approve amendments to the previously approved site plan, Case No. 87-316-A, to reflect the proposed improvements set forth in Petitioner's Exhibit 3; and

WHEREAS, the Deputy Zoning Commissioner further ordered that the Petition for Special Exception to permit a fuel service station use in combination with a convenience store be granted subject to certain restrictions contained within said Order; and

WHEREAS, the Appellants have filed a timely appeal to the Board as to the special exception solely; and

WHEREAS, a hearing was scheduled on June 6, 1996 by the Board, and was postponed by mutual agreement of the parties for the purpose of resolution of the issues; and

WHEREAS, the Appellants have reached an agreement with the

Case No. 96-112-SPHXA Exxon Corporation -Petitioner 2
Exxon Corporation regarding the use, hours of operation, and landscaping of the property; and

WHEREAS, a hearing was held on Tuesday, July 9, 1996, before the County Board of Appeals, at which time Counsel for the Appellants and Counsel for the Petitioner addressed the Board relative to the proposed Settlement Agreement, and the Board had the opportunity to have Petitioner's Exhibit 1, "Landscaping of Grading Plan," and Petitioner's Exhibit 2, "Site Plan," reviewed by Mr. Timothy F. Whittie, Frederick, Ward & Associates, Inc., in addition to Joint Exhibit 1, "Agreement between Towson Park Community Association and Exxon Corporation," with there being no other protestants appearing at the hearing; and

WHEREAS, the Board has reviewed the matter and has held a public deliberation finding unanimously that the requirements of Section 502.1 of the BCZR have been satisfied, and further, supports the granting of the Petition under Section 253.1 of the BCZR; and

WHEREAS, the parties wish to resolve, by this Order, all issues affecting the property without further proceedings;

NOW, THEREFORE, it is this 15th day of AUGUST, 1996 by the County Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to use the property known as 825 York Road, York Road and Bosley Avenue, for a fuel service station use in combination with a convenience store in accordance with Petitioner's Exhibit 2 be and is hereby GRANTED.

The Petition herein granted is and shall be subject, however,

Case No. 96-112-SPHXA Exxon Corporation -Petitioner 3
to the terms and conditions more fully set forth in the agreement between Towson Park Community Association, the Exxon Corporation, and Catherine Rehak, Dealer, including, specifically, the following restrictions on the use of the Premises:

1. The service station may operate for 24 hours a day. The station shall be operated in accordance with commercially reasonable standards in keeping with the neighborhood.
2. The hours of operation of the convenience store shall be limited to the hours of 5:00 a.m. to 11:00 p.m. Exxon may petition for a special hearing to change the hours of operation at anytime in the future.
3. Exxon shall place three video cameras in the convenience store to monitor the activity in the convenience store.
4. Exxon shall place the following signs at the service station and/or the convenience store:
 - a. "Cashier has less than \$20.00 cash";
 - b. "Cashier cannot open time-locked safe";
 - c. "No Loitering";
 - d. "Parking limit - fifteen minutes - strictly enforced";
 - e. "Shoplifters will be prosecuted"; and
 - f. "Premises are under continuous electronic surveillance."
5. Exxon shall not place any benches outside of the convenience store, unless such change is agreed to in writing by the parties.
6. Dealer (Rehak) shall be the contact person on behalf of Exxon and herself to receive any complaints about loitering, noise, trash and other issues raised by Towson Park. Dealer (Rehak) shall be available to attend Towson Park meeting. Towson Park shall notify Dealer (Rehak) 14 days in advance of such meeting.
7. Exxon shall place not fewer than three trash receptacles at appropriate spots around the convenience store at the service station and shall cause site to be checked on a regular basis for trash and debris.
8. Exxon shall direct all lighting downwards and away from the surrounding residential area.
9. Exxon and Dealer (Rehak) shall not sell alcohol, lotto or lottery tickets on the subject site.

Case No. 96-112-SPHXA Exxon Corporation -Petitioner 4
10. Exxon and Dealer (Rehak) agree that there will be no preparation of food on the site except for hot dogs and pizza.
11. Exxon and Dealer (Rehak) will conceal the dumpster and trash receptacles as shown on the site plan.
12. Exxon and Dealer (Rehak) agree to limit parking on subject site so as to afford appropriate distance sight lines to Bosley Avenue and/or York Road.
13. Exxon and Dealer (Rehak) agree to submit a landscape plan for the subject site showing improved landscaping, bushes and trees, than exist at the current site this date.
Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks
Charles L. Marks, Acting Chairman

Margaret Worrall
Margaret Worrall

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

**AGREEMENT IN RESPECT OF EXXON SERVICE STATION
825 YORK ROAD, TOWSON, MARYLAND**

This Agreement is made this 15th day of July, 1996,

by and among EXXON CORPORATION ("Exxon"), CATHERINE REHAK ("Rehak") and John J. Kotroco individuals and TOWSON PARK COMMUNITY CORPORATION (collectively "Towson Park").

- A. Exxon is the owner of a fuel service station locate at 825 York Road in Baltimore County, Maryland (the "service station").
- B. Towson Park represents the residential neighborhood in the vicinity of the service station.
- C. Catherine Rehak is the dealer at the service station.
- D. Exxon desires to remodel the service station to convert the existing service bay facilities to a convenience store.
- E. Under the Baltimore County Zoning Regulations, such a change would require special exception approval by the Zoning Commissioner, and the Zoning Commissioner's decision may be appealed to the Baltimore County Board of Appeals.
- F. On November 24, 1995, Deputy Zoning Commissioner Timothy M. Kotroco, granted Exxon's Petition for Special Exception to permit a fuel service station use-in-combination with the convenience store, and granted the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3 (site

plan). Deputy Zoning Commissioner Kotroco's findings of fact and conclusion of law dated November 24, 1995 are attached as Exhibit 1.

G. On December 11, 1995, Towson Park appealed the Deputy Zoning Commissioner's decision as to the special exception only to the Baltimore County Board of Appeals.

H. A hearing *de novo* before the Board of Appeals was scheduled for June 6, 1996. That hearing was postponed by the agreement of the parties for the purpose of settling and resolving the outstanding issues between the parties.

I. In response to concerns raised by Towson Park with respect to the operation of the service station, Exxon and Rehak have agreed to certain restrictions in the manner of the operation of the service station.

J. The parties have entered into this Agreement to more fully explain in writing (1) the agreements that Exxon and Rehak have made with respect to the operation and limitations imposed on the subject service station, and (2) in reliance upon the promises of Exxon and Rehak, the terms under which Towson Park will support Exxon's request for special exception approval for the proposed changes to the service station before the Baltimore County Board of Appeals at the continued hearing.

K. The parties request the County Board of Appeals' to incorporate the terms and conditions of this Agreement into its Opinion and Order and impose said conditions as restrictions on the operation of the service station by Exxon and Rehak.

NOW THEREFORE, for \$5.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

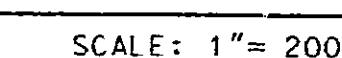
I. AGREEMENTS OF EXXON AND REHAK

1. The service station may operate for twenty-four hours a day. The service station shall be operated in accordance with commercially reasonable standards in keeping with the neighborhood.
2. The hours of operation of the convenience store shall be limited to the hours of 5:00 a.m. to 11:00 p.m. Exxon may petition for a special hearing to change the hours of operation at anytime in the future.
3. Exxon shall place three video cameras in the convenience store to monitor the activity in the convenience store.
4. Exxon shall place the following signs at the service station and/or the convenience store:
 - (a) "Cashier has less than \$20.00 cash";
 - (b) "Cashier cannot open time-locked safe";
 - (c) "No loitering";
 - (d) "Parking limit - fifteen minutes - strictly enforced";
 - (e) "Shoplifters will be prosecuted"; and
 - (f) "Premises are under continuous electronic surveillance".
5. Exxon shall not place any benches outside of the convenience store, unless such change is agreed to in writing by the parties.



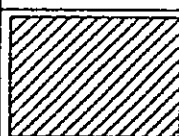
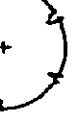



6. Rehak shall be the contact person on behalf of Exxon and herself to receive any complaints about loitering, noise, trash and other issues raised by Towson Park. Rehak shall be available to attend Towson Park meetings. Towson Park shall notify Rehak 14 days in advance of such a meeting.
7. Exxon shall place not fewer than three trash receptacles at appropriate spots around the convenience store at the service station and shall cause site to be checked on a regular basis for trash and debris.
8. Exxon shall direct all lighting downwards and away from the surrounding residential area.
9. Exxon and Rehak shall not sell alcohol, lotto or lottery tickets on the subject site.
10. Exxon and Rehak agree that there will be no preparation of food on the site, except for hot dogs and pizza.
11. Exxon and Rehak will conceal the dumpster and trash receptacles as shown on the site plan.
12. Exxon and Rehak agree to limit parking on subject site so as to afford appropriate distance site lines to Bosley Avenue and/or York Road.
13. Exxon and Rehak agree to submit a landscape plan for the subject site showing improved landscaping, bushes and trees, than exist at the current site today.

II. AGREEMENTS OF TOWSON PARK

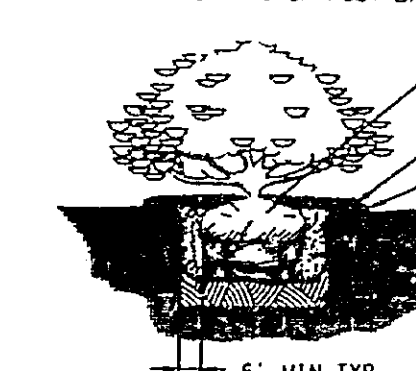
Towson Park hereby agrees to support Exxon's application for special exception approval and any other approvals for the remodeling of the service station as described



- A. ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANT LIST AND SHALL NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK", LATEST EDITION.
- B. ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.
- C. CONTRACTOR AND OWNER'S REPRESENTATIVE SHALL VERIFY THE CORRECT LOCATION OF ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO INSTALLATION OF ANY PLANT MATERIALS.
- D. PLANT MATERIAL LOCATION TO BE STAKED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
- E. ALL PLANT BEDS AND PLANTING AREAS TO BE MULCHED TO A DEPTH OF 3" UNLESS OTHERWISE NOTED ON DRAWINGS OR SPECIFICATIONS.
- F. ALL AREAS DISTURBED BY PLANTING OPERATION SHALL BE FINE GRADED AND SOODED.
- G. OBTAIN APPROVAL FROM ARCHITECT'S OR OWNER'S REPRESENTATIVE BEFORE MAKING ANY SUBSTITUTE OR CHANGES.
- H. ALL PLANT BEDS SHALL BE CONTAINED WITH A SPADED EDGE UNLESS OTHERWISE NOTED ON DRAWINGS.
- I. QUANTITIES SHOWN ON PLANT LIST ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY AND ARE NOT GUARANTEED TO BE ACCURATE. IN THE EVENT OF A DISCREPANCY BETWEEN QUANTITIES SHOWN ON THE PLAN AND THE QUANTITIES SHOWN ON THE PLANT LIST, THE QUANTITIES ON THE PLAN SHALL APPLY.
- J. REFER TO EXOMON DRAINING 1090-7 FOR ADDITIONAL LANDSCAPING DETAILS.

SYMBOL	QUANTITY	BOTANICAL/COMMON NAME	SIZE	REMARK
	52	JUNIPERUS CHINENSIS 'SARGENTII' SARGENT JUNIPER	15" - 18" HT. 2' - 2 1/2' SPD.	B & B FULL 3' O.C.
	12	EUDONYMUS ALATUS 'COMPACTUS' WINGED EUDONYMUS	3' - 4" HT. 3 - 4 CANES	B & B FULL 3 1/2' O
	80	IMPATIENS WALLERANA SULTANA IMPATIENS	4" POT	CONT. 10" O.C.
	2	ZELKOVA SERRATA 'GREEN VASE' GREEN VASE ZELKOVA	2-2 1/2" CAL 12" - 14" HT.	B & B FULL
	150	PACHYSANDRA TERMINALIS JAPANESE PACHYSANDRA	1 YR. 2 1/4" P.P.	CONT. FULL 10" O.C.
	23	HYDRANGEA ANOMALA SUBSP. PETIOLARIS CLIMBING HYDRANGEA	18-24" HT. 18-24" SPD.	CONT. FULL 6" O.C.
	46	JUNIPERUS HORIZONTALIS 'BAR HARBOR' BAR HARBOR JUNIPER	9"-12" HT. 18"-24" SPD.	B & B FULL 2 1/2' O.

- FOR CONTAINER SHRUBS, COMPLETELY REMOVE ALL NON-BIODEGRADABLE CONTAINERS AND SCARIFY ROOT BALL
- FOR B+B SHRUBS, CUT AND REMOVE COVERING FROM TOP 1/3 OF ROOT BALL



SHRUB PLANTING DETAIL

[illegible]

DECIDUOUS TREE PLANTING (UP TO 3" CALIPER)

CASE NO. 96 - 112 - SPHX

OWNER/DEVELOPER/APPLICANT
EXON

下

FREDERICK WARD ASSOCIATES INC
ENGINEERS • ARCHITECTS • SURVEYOR

DATE	REVISIONS	BY

<p>EXXON COMPANY, INC.</p>	<p>LANDSCAPE AND GRADING PLAN</p>
<p>MANUFACTURED BY</p>	<p>FOR AN EXHIBITION AT</p>
<p>MADE IN U.S.A.</p>	<p>620 YORK ROAD</p>
<p>CALL</p>	<p>NINTH ELECTION DISTRICT BALTIMORE, MARYLAND</p>

PROJECT NO.	95052.00
DISC. NO.	COLAND. DGN
PAS. NO.	2-5047
PWG. NO.	05 OF 05

1. Nothing herein shall be construed to require Exxon to undertake any modeling of the service station or to operate the subject property as a service station or a convenience store. It is the parties' intent that only if Exxon does elect to model the service station and Exxon is given approval by the Board of Appeals to model, it may do so only in accordance with the terms of this Agreement.
2. The terms of this Agreement shall be incorporated into the Board of Appeals decision and the "Agreements of Exxon" shall be placed as restrictions on the special exception approval by the Board of Appeals.
3. The parties agree that the terms and conditions of this Agreement and the Board of Appeals Order shall be enforceable by the parties through

Julia C. Myers
Title: Board Member Towson Park Comm. Assoc.
908 Ractall Ave Rd

Maria T. Gibson
Title: Board Member, Towson Park Comm Assn
c/o Redcliffe Rd

cc: G. Scott Barhight, Esquire
Shelly McLatt, Michael Specht and
Jennifer Goudy / Exxon Corporation
Timothy F. Whittle
Frederick Ward Associates, Inc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

[†]Printed with Soybean Ink on Recycled Paper.

It is not a technical matter, however, is neither a question of compatibility nor a question of whether any adverse effects will be created. Conversely, it is not a question of whether there is a heightened need for security and defense. The Supply-Related Reminders must assume that the legislature intended that no such effects before electing to list this use as a

special exception in this zone. As stated in Mossburg v. Montgomery County, supra:

"(W)e conclude, as this Court and the Court of Appeals often have, that a special exception/conditional use in a zoning ordinance recognizes that the legislative body of a representative government has made a policy decision for all of the inhabitants of the particular governmental jurisdiction, and that the exception or use is desirable and necessary in its zoning planning provided certain standards are met."

Currently, the residents live next door to a 24-hour gasoline station with a service bay. The conversion of the ancillary use of this site from a service bay to a convenience store use is unlikely to create adverse effects beyond the inherent effects the legislature considered. No adverse effects above and beyond that normally associated with a convenience store use in this zone were successfully proven by the Protestant. There was not sufficient evidence to establish that the effect of a convenience store on this area would differ in any respect from its effect on another site in the zone. Thus, it appears that the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R., and must, therefore, be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing and special exception should be granted and the Petition for Variance shall be dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1995 that the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use-in-combination with a convenience store,

in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed improvements must comply with the comments submitted by the Development Plans Review Division (DPRD). A final landscape plan must be approved by DPRD prior to the issuance of any permits.
- 3) Trash collection and management on the subject property must prevent trash from accumulating on site or spreading to the adjacent properties.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign, be and is hereby DISMISSED.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1995

(410) 887-4386

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NE/Corner York Road & Bosely Avenue
(825 York Road)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-112-5PHXA

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted and the Petition for Variance dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael J. Specht & Ms. Jennifer Colvard, Exxon Company USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

Mr. John A. Harter, Vice President, Towson Park Community Assoc.
939 Radcliffe Road, Towson, Md. 21204

People's Counsel
Case File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 825 York Road, Towson, MD 21204

96-112-5PHXA

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to previously approved plan in Case No. 87-316-A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County, to determine whether or not the Zoning Commissioner should approve

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Exxon Corporation

(Type or Print Name)

Signature *Michael J. Specht*

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Greenbelt, MD 20770

City, State, Address and phone number of representative to be contacted.

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

Address, City, State, Address and phone number of representative to be contacted.

Office Use Only

ESTIMATED LENGTH OF HEARING

Indicate for Hearing

ALL OTHER DATE 1-6-95

REVIEWED BY: *gum* DATE 1-6-95

105



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 825 York Road, Towson, MD 21204

96-112-5PHXA

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station with an ancillary convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Exxon Corporation

(Type or Print Name)

Signature *Michael J. Specht*

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Greenbelt, MD 20770

City, State, Address and phone number of representative to be contacted.

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

4th Fl.

Towson, MD 21204 (410) 832-2000

Address, City, State, Address and phone number of representative to be contacted.

Office Use Only

ESTIMATED LENGTH OF HEARING

Indicate for Hearing

ALL OTHER DATE 9-6-95

REVIEWED BY: *gum* DATE 9-6-95

105



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 825 York Road, Towson, MD 21204

96-112-5PHXA

which is presently zoned BR-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship practical difficulty)

See attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship practical difficulty)

To be presented at the Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Exxon Corporation

(Type or Print Name)

Signature *Michael J. Specht*

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Greenbelt, MD 20770

City, State, Address and phone number of representative to be contacted.

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

4th Fl.

Towson, MD 21204 (410) 832-2000

Address, City, State, Address and phone number of representative to be contacted.

Office Use Only

ESTIMATED LENGTH OF HEARING

Indicate for Hearing

ALL OTHER DATE 9-6-95

REVIEWED BY: *gum* DATE 9-6-95

105

ATTACHMENT TO PETITION FOR VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY FOR THE PROPERTY LOCATED AT 825 YORK ROAD, TOWSON, MARYLAND 21204, WHICH IS PRESENTED ZONED BR-AS

Variances: 96-112-5PHXA

1. Section 413.2(f) to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.



Frederick Ward Associates, Inc.

One Office Bldg. 127 S. 12th Main St. Ste. 401, Maryland 21204 (410) 832-7000 / 879-2000 Fax (410) 832-7243

ZONING DESCRIPTION

825 York Road
Ninth Election District
Baltimore County, Maryland

BEGINNING for the same at a P.K. nail set on the northeasterly right-of-way line of Maryland Route 45, York Road, at a point where said right-of-way intersects the first course of that tract of land conveyed to Standard Oil Company of New Jersey by a deed dated June 26, 1947 as recorded in Liber JWB 1573, folio 369. Thence leaving York Road and binding on part of the first course of the conveyance unto Standard Oil Company

1) North 57°46'37" East 161.95 feet to a P.K. nail set to intersect the southwesterly side of a twenty foot wide alley as shown on a plat entitled "Subdivision Plan, Towson Park" as recorded in Plat Book GLB 19, folio 110. Thence binding on the southwesterly side of said alley and binding on the second course of the conveyance unto Standard Oil Company

2) South 31°39'45" East 149.95 feet to a P.K. nail set on the northwesterly right-of-way line of Bosely Avenue a 56 foot wide right-of-way heretofore laid out thence leaving "Towson Park", binding on the northwesterly right-of-way line of Bosely Avenue and on a part of the third course of the conveyance unto Standard Oil Company

3) South 57°46'37" West 123.58 feet to a rebar set at the end of the second course of that tract or parcel of land conveyed by Esso Standard Oil Company to the County Commissioners of Baltimore County by a deed recorded in Liber GLB 2653, folio 386. Thence leaving Bosely Avenue and binding reversely on the second and first course of the last mentioned conveyance

4) by a tangent curve to the right in an northwesterly direction of radius 38.00 feet an arc distance of 60.06 feet and subtended by a chord North 76°56'34" West 54.00 feet to a rebar set at a point of tangency

5) North 31°39'45" West 111.58 feet to the point of beginning hereof

CONTAINING 23967 Square Feet (0.5502 Acre) of land more or less.



P.O. Box 3635 - 7900 Sully Road - Suite 711 - Manassas, Virginia 22110-3635 (703) 551-2271 / 361-7718 Fax (703) 361-0177

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/14/95
Posted for: Special Hearing Application - Exxon Corp.
Petitioner: Exxon Corp.
Location of property: 825 York Rd.
Location of Sign: Along road on property being zoned
Remarks:
Posted by: [Signature] Date of return: 11/15/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/29, 1995
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/25, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, on October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case 96-112-SPHX (Item 105)
825 York Road
NEC Bosley Avenue and York Road
9th Election District - 4th Councilmanic
Legal Owner: Exxon Corporation
Hearing Thursday, October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.
Special Hearing to approve amendments to previously approved site plan / Case No. 87-316-A. Special Exception for a fuel service station with an ancillary convenience store. Variance to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391. (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11/14/95 ACCOUNT: 887 7110
AMOUNT: \$ 50.00
RECEIVED FROM: PRC
FOR: Special Hearing Application - Exxon Corp.
96-112-SPHX 825 York Road
VALIDATION OR SIGNATURE OF CASHIER
GREEN: CASHIER PINK: AGENT YELLOW: CUSTOMER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/29/95
Posted for: Special Hearing Application - Exxon Corp.
Petitioner: Exxon Corp.
Location of property: 825 York Rd.
Location of Sign: Along road on property being zoned
Remarks:
Posted by: [Signature] Date of return: 11/30/95
Number of Signs: 1

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 105
Petitioner: Exxon Corp.
Location: 825 York Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David K. Gildea Whiteford Taylor & Preston
ADDRESS: 210 W. Penn. Ave. Suite 400
Towson, Md. 21204
PHONE NUMBER: (410) 832-2066

h/j:ggg
(revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-112-SPHX (Item 105)

825 York Road
NEC Bosley Avenue and York Road
9th Election District - 4th Councilmanic
Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in Case 87-316-A.

Special Exception for a fuel service station with an ancillary convenience store.
Variance to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-112-SPHX (Item 105)

825 York Road
NEC Bosley Avenue and York Road
9th Election District - 4th Councilmanic

Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to previously approved plan in Case 87-316-A.

Special Exception for a fuel service station with an ancillary convenience store.
Variance to allow a 125.34 sq. ft. double sign in lieu of the required 100 sq. ft. double sign requirement.

[Signature]

Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
February 13, 1996

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-112-SPHX EXXON CORPORATION -Petitioner
York Road and Bosley Avenue (825 York Road)
9th Election District
4th Councilmanic District

SPH -To approve amendments to previously approved site plan /Case No. 87-316-A to reflect proposed improvements; SE -to permit fuel service station in combo with convenience store. APPEALED AS TO SPECIAL EXCEPTION ONLY.

11/24/95 -D.Z.C.'s Order in which Petitions for Special Hearing and Special Exception were GRANTED. APPEALED AS TO SPECIAL EXCEPTION PORTION ONLY.

ASSIGNED FOR: THURSDAY, JUNE 6, 1996 at 10:00 a.m.

cc: John A. Harter, Vice President
Towson Park Community Assn. Appellant /Protestant
G. Scott Barhight, Esquire
Michael J. Specht and Jennifer Colvard
/Exxon Company USA Counsel for Petitioner
Petitioner

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 7, 1996

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-112-SPHX EXXON CORPORATION -Petitioner
York Road and Bosley Avenue (825 York Road)
9th Election District
4th Councilmanic District

SPH -To approve amendments to previously approved site plan /Case No. 87-316-A to reflect proposed improvements; SE -to permit fuel service station in combo with convenience store. APPEALED AS TO SPECIAL EXCEPTION ONLY.

11/24/95 -D.Z.C.'s Order in which Petitions for Special Hearing and Special Exception were GRANTED. APPEALED AS TO SPECIAL EXCEPTION PORTION ONLY.

which was scheduled for hearing on June 6, 1996 was POSTPONED by agreement of parties for purpose of resolution of issues; rescheduled to agreed upon date of 7/09/96; and has been

REASSIGNED FOR: TUESDAY, JULY 9, 1996 at 9:00 a.m.

cc: John A. Harter, Vice President
Towson Park Community Assn. Appellant /Protestant

G. Scott Barhight, Esquire
and David Gildea, Esquire
Michael J. Specht and Jennifer Colvard
/Exxon Company USA Counsel for Petitioner
Petitioner

Timothy F. Whittie
Frederick Ward Associates, Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 105
Case No.: 96-112-SPHX
Petitioner: Exxon Corporation

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief RWB/DAM
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 105

The Development Plans Review Division has reviewed the subject zoning item. This office recommends against granting anything that removes any of the already minimal landscaping.

The proposed two parking spaces in the western corner should be denied and the two existing trees retained. The existing trees on the south corner should be retained and supplemented with additional trees.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and shall be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 105, 106, 107, 108, 109, 110, 111, 112, 113, 114 AND 115.

RECEIVED
SEP 21 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal's Office, PHONE 887-4801, MS-1102F

Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winslead
Secretary
Hal Kassoff
Administrator

9-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 105 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2298 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

96-112-SPHX

TO: Arnold Jablon, Director, PDM

DATE: October 25, 1995

FROM: Pat Keller, Director, PO

SUBJECT: 825 York Road

INFORMATION:

Item Number: 105

Petitioner:

Property Size:

Zoning: BL-AS

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a Special Exception for a convenience food store as a use in combination with an existing service station, as well as a Special Hearing to amend the previously approved plan. This would allow the conversion of the existing service bays to a convenience store, remove a small kiosk and add one pump. Apparently, it is the intent of the petitioner to withdraw the sign variance request.

The site is located within the Towson Community Plan area in the York Road North Urban Design area. For the most part the landscape plan and Special Exception dated 9/5/95, received 10/25/95 meets the intent of the streetscape envisioned by the Towson Community Plan.

This office supports the Special Exception with the following minor revisions as agreed to by the Developer's representatives:

1. Add one Zelkova at the northwest corner of the site along York road.
2. Substitute two Washington Hawthorne trees for the two Red Twig Dogwood shrubs in the planting island at the intersection of York and Bosley Avenue.
3. Add one Zelkova at the east side of the Bosley Avenue entrance; assure the dumpster is screened with a low hedge.
4. Provide a lockable gate to secure the rear of the building.
5. Substitute Parthenocissus quinquefolia, (Virginia Creeper) for Climbing Hydrangea on the north side wall.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

Additionally, this office recommends that the order incorporate a restriction regarding temporary signs; no additional free-standing temporary signs, including streamers or banners.

Prepared by: Jeffrey W. Long

Division Chief: Eugene Kerns

PK/JL

#106 --- JCM
1. Need authorization for person signing for legal owner.

#107 --- JCM
1. Need authorization for person signing for legal owner.

#109 --- JLL
1. No review information on bottom of petition form.

#110 --- JRA
1. No review information on bottom of petition form.

#112 --- JRE
1. No city, state, or zip code for legal owner.

#113 --- JJS
1. Legal owner did not sign back of petition form.
2. Notary section is invalid -- no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM
1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.

ITEM105/PZONE/ZAC1

Pg. 2

PETITION PROBLEMS

#103 --- MJK

1. No telephone number for legal owner.

#104 --- MJK

1. Need attorney - incorporated.
2. Need printed name of person signing for legal owner.

#105 --- JCM

1. Need authorization for person signing for legal owner.
2. Zoning on variance petition says "DR-AS", zoning on special exception and special hearing petition says "BL-AS", folder says "BL-AS". Which is correct? Incorrect one needs to be corrected.

#106 --- JCM

1. Need authorization for person signing for legal owner.

#107 --- JCM

1. Need authorization for person signing for legal owner.

#109 --- JLL

1. No review information on bottom of petition form.

#110 --- JRA

1. No review information on bottom of petition form.

#112 --- JRE

1. No city, state, or zip code for legal owner.

#113 --- JJS

1. Legal owner did not sign back of petition form.
2. Notary section is invalid -- no signature to notarize & no notary seal on the petition form. Also notary cannot notarize a signature of a relative (same last name - related?).

#116 --- JCM

1. Need typed name of person signing for Gilman School.
2. Need typed title of persons signing for both legal owners. Also authorization to sign for these owners.

APPEAL

Petition for Special Hearing, Special Exception, and Variance
York Road and Bosley Avenue
825 York Road
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-55-SPHXA

Petition(s) for Special Hearing, Special Exception, and Variance
(Appealed Special Exception Only)

Description of Property

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protest(s) Sign-In Sheets

Petitioner's Exhibits: 1 - No Exhibit No. 1
2 - 17 photographs of the site (Marked 2A - 2Q)
3 - Amended Variance and Special Exception Plan

Letter to Timothy Kotroco from Cheryl Reilly, President of the Towson Park Community Corporation dated November 10, 1995.

Site plan (not marked as exhibit)

Deputy Zoning Commissioner's Order dated November 24, 1995, Special Hearing (Granted), Special Exception (Granted), and Petition for Variance (Dismissed)

Notice of Appeal received on December 15, 1995 from John A. Harter, Vice President on behalf of the Towson Park Community Corporation for the Special Exception only.

Mr. Michael J. Specht and Ms. Jennifer Colvard, Exxon Company USA, 6301 Ivy Lane, Suite 700, Greenbelt, MD 20770
Mr. John A. Harter, Vice President, Towson Park Community Association, 939 Radcliffe Road, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

G. Scott Barhight, Esquire, and David K. Gildea, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204

Request Notification: Timothy M. Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 21, 1995

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Special Hearing,
Special Exception, and Variance
825 York Road
9th Election District
4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-55-SPHXA

Dear Mr. Barhight and Mr. Gildea:

Please be advised that an appeal of the special exception portion only of the above-referenced was filed in this office on December 15, 1995 by John A. Harter, on behalf of the Towson Park Community Corporation. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals, "Board".

If you have any questions concerning this matter, please do not hesitate to contact the Board at 887-3180.

Sincerely,

Arnold Jablon

ARNOLD JABLON
Director
Department of Permits and
Development Management

AJ:law

cc: Mr. Michael J. Specht and Ms. Jennifer Colvard
People's Counsel

Printed with Soy-based Ink
on Recycled Paper

called 4/28/96
2/27/95 Sunday
7:40 AM
96-112-SPHXA NOT
SPEECHES
NOTED FOR EXON
FOR THE CITY OF THE
LATER WITH THE #3.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 28, 1996

John A. Harter, Vice President
Towson Park Community Association
939 Radcliffe Road
Towson, MD 21204

Re: Case No. 96-112-SPHXA
Exxon Corporation -Petitioner

Dear Mr. Harter:

The Board is in receipt of your letter dated May 23, 1996 requesting a postponement of the subject matter scheduled for hearing on Thursday, June 6, 1996. We are also in receipt of a letter of opposition to this request from David K. Gildea, Counsel for Petitioner.

The Board notes that on February 13, 1996, Notice of Assignment was sent to all parties indicating a hearing date of June 6th. No requests for postponement were made between that date and your request of May 23, 1996, which was received by the Board on May 23rd, 14 days prior to the scheduled hearing date. Pursuant to the Board's Rule 2(c), your request for postponement must be denied, inasmuch as said request was received by this office within 15 days of the scheduled date, absent the required showing of unusual or extraordinary circumstances.

Your request for postponement is herewith denied, and this matter will be heard on Thursday, June 6, 1996 at 10:00 a.m., as previously scheduled.

Very truly yours,

Robert O. Schuetz
Robert O. Schuetz, Chairman
County Board of Appeals

cc: David K. Gildea, Esquire
G. Scott Barhight, Esquire
Ms. Shelly LePlatt, Exxon Corporation
Mr. Timothy F. Whittle
/ Frederick Ward Associates, Inc.
People's Counsel for Baltimore County

2/13/96 -Notice of Assignment for hearing scheduled for Thursday, June 6, 1996 at 10:00 a.m. sent to following:

John A. Harter, Vice President
Towson Park Community Assn.
G. Scott Barhight, Esquire
Michael J. Specht and Jennifer Colvard
/Exxon Company USA
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/23/96 -Per telephone call of 5/22/96, received FAX copy of request for postponement from Mr. Harter, et al; to allow time to gather needed data and also to permit settlement discussions between protestants and petitioner. (CC notation to Gildea /Barhight by FAX indicated on PP request letter.)
- T/C to Mr. Barhight's office to confirm receipt of this request.

5/28/96 -Response from Mr. Gildea; oppose postponement of this matter for reasons as stated in letter.

5/28/96 -Letter to Mr. Harter with copies as appropriate. Postponement denied; received 14 days from hearing date; no unusual circumstance cited; per rule 2(c), request is therefore denied and hearing will proceed on June 6th.

6/06/96 -Postponed by agreement of parties; reset to 7/09/96 to permit time for settlement and preparation and review of agreement between parties. Notice to be sent advising of 7/09/96 date at which time settlement will be put on the record and matter concluded as deemed appropriate.

6/07/96 -Notice of PP and Reassignment sent to parties; by agreement of parties, case rescheduled to Tuesday, July 9, 1996 at 9:00 a.m. /matter to be resolved between parties and agreement prepared.

7/09/96 -Hearing convened. At conclusion of same, Board convened for public deliberation. Based upon agreement reached between parties and testimony and evidence, Board will grant special exception. Awaiting submittal of fully executed agreement of parties; Board will then issue Order in which special exception is granted, subject to terms and conditions of agreement and restrictions. C.B.W.

Case No. 96-112-SPHXA -Exxon Corporation

6/03/96 -T/C from Jean Plock, 815 Bosley Avenue, protesting 24-hour operation. Husband, Paul Plock, is disabled and unable to attend hearing; requested that file be noted.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Exxon Corporation -Petitioner
Case No. 96-112-SPHXA
DATE: July 9, 1996 /at conclusion of hearing
BOARD /PANEL: Charles L. Marks (CLM)
Harry E. Buchheister, Jr. (HEB)
Margaret Worrall (MW)
SECRETARY: Kathleen C. Bianco
Legal Administrator

Among those present at the deliberation were David Gildea, Esquire, on behalf of Exxon Corporation; J. Carroll Holzer, Esquire, on behalf of Towson Park Community Association; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --for public deliberation of matter on appeal in Case No. 96-112-SPHXA.

CLM: In accordance with the State law mandating open meetings relative to zoning matters, this Board will deliberate the matter before us relative to the Exxon Corporation's special exception on the property at York Road and Bosley Avenue. I'll go first.

Having read the entire Board's file in our possession, and having reviewed the Baltimore County Zoning Regulations Section 502, and the matters presented to the Board this morning, I find that the special exception should be granted subject to the terms and conditions of the agreement, which will be mutually executed between the parties, and the Board will issue its written Opinion and Order granting the special exception subject to the terms and conditions of the agreement presented to the Board.

MW: I, too, have read the agreement which has been made between the Exxon Corporation and the community, and I agree with Mr. Marks that the special exception should be granted relative to the restrictions agreed upon.

HEB: I just have one comment to make regarding traffic at that location. It's just superfluous to what has been covered, I guess. But that is a hard station to get into. Coming down Bosley to make a left on York Road, and a right into the station, cars will back up on Bosley; they want to make that left turn, to go, I guess it's north, on York, and I wonder if there should not be something about an exit only sign at that corner. They had a car waiting at lower exit; another car

Deliberation /Exxon Corporation /96-112-SPHXA

wanted to come in; and they sat. That may happen once a month, but I think there is a tendency for a traffic delay, and I'm always in a hurry. But...willingness to cooperate and what has been addressed in the agreement, certainly special exception should be granted.

CLM: Therefore, in accordance with the unanimous decision of the Board, the Board of Appeals will grant the approval for the special exception subject to the terms and conditions of the agreement which has been mutually agreed upon by the Appellant and Petitioner; and the Board will issue its written Opinion and Order in short order. I understand there will be no appeal from the decision of the Board?

Mr. Holzer: Correct. If the conditions are approved, we agree that those people we represent will not file an appeal.

PMZ: Technically our office is not constrained by that. If we wanted to, we could. I'm not sure of the basis, and have no intention to, but I don't know if one can incorporate no appeal to be taken.

Mr. Holzer: The Towson Park Community Association agreed to bind themselves that no appeal will be taken.

Mr. Gildea: Would then be appealable as a breach of contract.

CLM: Okay, so therefore, any appeal can be taken within 30 days of the written Order.

I would just like to say on behalf of the Board members, I appreciate both sides of the aisle -- in not having to have a full hearing.

That concludes today's hearing.

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco
Legal Administrator

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
825 York Road, NEC Bosley Ave and York Rd
9th Election District, 4th Councilmanic
Legal Owner: Exxon Corporation
Petitioners
* * * * *
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-112-SPHXA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carol S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2189

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this July 11 day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 11, 1997
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File: Case No. 96-112-SPHXA
EXXON CORPORATION
9th E; 3rd C

As no further appeals have been taken regarding the subject case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-112-SPHXA)

TPCC Towson Park Community Corporation
P.O.Box 36542 Baltimore, Maryland 21286

December 11, 1995

Baltimore County
Dept. of Permits & Development
Management
Suite 111
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Sir:

Towson Park Community Corporation wishes to exercise its right to file an appeal in the following matter:

SPECIAL EXCEPTION
NE/Corner York Road & Bosley Avenue
(825 York Road)
9th Election District - 4th Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-112-SPHXA

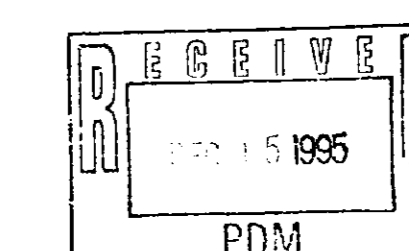
Enclosed you will find a second original of this letter to be date stamped and returned and a check from Towson Park Community Corporation in the amount of two hundred and fifty dollars (\$250.00) for the filing fee.

Please return the date stamped copy of this letter to Mr. John Harter, Vice President, Towson Park Community Corporation, 939 Radcliffe Road, Towson, Maryland 21204.

Thank you for your attention to this matter.

Sincerely,

John A. Harter
John A. Harter



TPCC Towson Park Community Corporation
P.O.Box 36542 Baltimore, Maryland 21286

November 10, 1995

Mr. Timothy Kotroco
Baltimore County
Zoning Commissioner
111 West Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Kotroco,

It has come to the attention of the Towson Park Community after your hearing Oct. 26th regarding Rehak's Towson Park Exxon Service Station that in the same block of York Road the Crown Station will put in a convenience store. Crown has the appropriate zoning in place for a convenience store.

The Exxon Service Garage is only open from 8:00 a.m. to 6:00 p.m. It provides towing and automotive services that are not provided anywhere else in the immediate community. We feel changing the Service Garage to a convenience store is not in the best interest of our community and the surrounding area.

With a convenience store at the corner of York and Bosley we anticipate serious problems with the traffic flow. A left hand turn is prohibited during certain hours at Bosley when going south on York Road. Going North at rush hour traffic is extremely heavy and coming down from Bosley anyone turning into the Exxon station stops the traffic flow in the intersection. The Crown location is more accessible from a traffic flow standpoint.

We strongly request you not grant the zoning exception to Rehak's Towson Park Exxon.

Sincerely,

Cheryl Reilly
President
Towson Park
Community Corporation

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21204-1626
TELEPHONE 382-0700
FAX 382-0702

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-1515
410 852-2000
FAX 410 852-2015

1015 GUNNERSBOURNE AVENUE, NW
WASHINGTON, DC 20030-4407
TELEPHONE 302-994-0401
FAX 302-994-0404

1410 KENNY STREET
ALEXANDRIA, VIRGINIA 22314-2120
TELEPHONE 703-684-5742
FAX 703-684-5743

DAVID K. GILDEA
10000 TOWSON
TOWSON, MARYLAND 21204
202530@att.net

May 24, 1996

Via Hand Delivery

Chairman Robert Schuetz
Baltimore County Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Exxon Station at York Road and Bosley Avenue
Appeal of Special Exception in
Case No.: SPHXA96-112
Towson Park Community Association's
Request for a Postponement

Dear Mr. Schuetz:

Exxon Corporation, by and through its attorneys, David K. Gildea and Whiteford, Taylor & Preston, LLP, hereby opposes the Towson Park Community Association's Request for Postponement.

In a letter dated May 23, 1996, the Towson Park Community Association requested a postponement of a June 6, 1996 hearing before the Board of Appeals. Pursuant to the Board of Appeals Rules of Practice and Procedure Rule 2C, the Towson Park Community Association must show circumstances that are of an "unusual and extraordinary nature." The letter is within the fifteen (15) days prior to the hearing date. Towson Park has had ample opportunity to prepare for the Zoning Commission hearing and for the Board of Appeals hearing. Further, Towson Park has had ample opportunity to enter in negotiations with Exxon and did not start negotiations until the

Baltimore County Board of Appeals
May 24, 1996
Page 2

final hour prior to the Board of Appeals hearing. Regardless, the request to continue discovery and further negotiations are not circumstances that are "unusual and extraordinary in nature." In fact, discovery and negotiations are the normal part of any legal case and must be taken into consideration while pursuing an appeal. Clearly, the request to continue discovery and negotiate with an opponent would never constitute unusual and extraordinary circumstances to warrant a postponement of a hearing within fifteen (15) days of its scheduled hearing date.

For the foregoing reasons, Exxon Corporation respectfully requests that this Honorable Board deny Towson Park Community Association's Request for a Postponement.

Should you have any questions or comments, please contact me. With kind regards,

Very truly yours,

David K. Gildea
David K. Gildea

DKG/kml

cc: Mr. John A. Harter, Towson Park Community Association
Ms. Shelly LePlatt, Exxon Corporation
Mr. Timothy F. Whittle, Frederick Ward Associates, Inc.

78450

FROM: J. HARTER/INSURANCE 410-51-5415 PHONE NO.:

May 23 1996 13:17:01 P01

To: Baltimore County Board of Appeals 5-23-96
Old Court House Room 49
400 Washington Ave Towson, Md 21204
Fax 887-3182

From: John A. Harter Vice Pres 821-6416
Towson Park Community Assoc.

Re: Exxon SPHXA 96-112 Hearing Postponement Request.

Please accept this request for a postponement of the hearing scheduled for June 6, 1996 @ 10:00am. As a community we would like additional time to address the following items:

1. Collect additional information and data regarding convenience stores near communities and their positive and negative impact to the communities.

2. Continue our negotiations with the Attorney Group Representing Exxon (David Gildea, G. Scott Barhight) to come to agreements which both parties find acceptable. (If so, hearing will not be necessary)

Thank you.

cc: G. Scott Barhight Esquire / David Gildea Esq
Michael J. Specht and Jennifer Colvard / Exxon Co. USA
Fax 832-2015

Baltimore County Zoning Commission
Room 301
Baltimore County Office Building
Chesapeake Avenue, Towson

27 November 1995

As an eighteen (18) year homeowner on Radcliffe Road in Towson Park whose property directly abuts the EXXON station in the 900 block of York Road, I wish to voice my concern to EXXON's interest in changing their zoning classification to allow a minimart to be constructed in place of REHACK's car service bays.

Over the years, I have used REHACK's for service to my various auto's. The service has been reliable and convenient. The service attendants polite and honest.

Barely a half block away, the Crown Central Station is currently zoned for a minimart whose construction is imminent. It seems redundant to have two similar marts so close together. [EXXON might argue that they fear loss of gas revenue if they are not competitive with the minimart. This is not valid, in my opinion, as the gases are not of the same quality.]

The intersection of York and Bosley will have additional traffic problems - accidents - back ups from cars not being able to either exit or enter the station. [It is like that now!!!]

Since the minimart will be open twenty-four (24) hours, increased noise and disturbance to me and my neighbors will follow. [Will I be compelled to install a higher fence and additional security devices?]

Crime, guns, shoplifting, loitering, vandalism, breaking and entering are some of the other fears that this change in zoning evokes in me.

We in Towson Park want Rehack's to stay. We do not want the EXXON to expand with the proposed zoning change.

Judith Ellen Myers / HOMEOWNER and Board Member: Towson Park
908 Radcliffe Road Community Assoc.
Towson Park

PLEASE PRINT CLEARLY CITIZEN SIGN-IN SHEET

NAME ADDRESS
David K. Gildea Whiteford Taylor & Preston
210 West Pennsylvania Ave
Towson, Md 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
96-112-SPHXA

JENNIFER COLVARD, EXXON CO. USA

David K. Gildea

2301 IVY LANE, STE 700 GREENBELT, MD

Whiteford Taylor & Preston

210 West Penn Ave

Towson, Md 21204

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

John A. Harter

939 Radcliffe Rd Towson, Md 21204

BARHIGHT'S
OFFICE

OPPOSES

REQUEST

- TRYING to

restart negotiations

but don't think they

will!

TO: MR. HARTER 821-6416

FROM: CBA 887-3182

5-22-96

7 PAGES

Joint Exhibit #1

AGREEMENT IN RESPECT OF EXXON SERVICE STATION
825 YORK ROAD, TOWSON, MARYLAND

This Agreement is made this 9th day of July, 1996,
by and among EXXON CORPORATION ("Exxon"), CATHERINE REHAK ("Rehak")
and Manu J. Jelen individuals and TOWSON PARK COMMUNITY
CORPORATION (collectively "Towson Park").

- A. Exxon is the owner of a fuel service station located at 825 York Road in Baltimore County, Maryland (the "service station").
- B. Towson Park represents the residential neighborhood in the vicinity of the service station.
- C. Catherine Rehak is the dealer at the service station.
- D. Exxon desires to remodel the service station to convert the existing service bay facilities to a convenience store.
- E. Under the Baltimore County Zoning Regulations, such a change would require special exception approval by the Zoning Commissioner, and the Zoning Commissioner's decision may be appealed to the Baltimore County Board of Appeals.
- F. On November 24, 1995, Deputy Zoning Commissioner Timothy M. Kotroco, granted Exxon's Petition for Special Exception to permit a fuel service station use-in-combination with the convenience store, and granted the Petition for Special Hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements set forth on Petitioner's Exhibit 3 (site

Exhibit #1

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - NE/Corner. * DEPUTY ZONING COMMISSIONER
York Road & Bosley Avenue * OF BALTIMORE COUNTY
(825 York Road) * Case No. 96-112-SPHXA
9th Election District
4th Councilmanic District
Exxon Corporation
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception, and Variance for that property known as 825 York Road, located at the northeast corner of Bosley Avenue and York Road in Towson. The Petitions were filed by the Owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for the Petitioner. The Petitioner seeks a special hearing to approve amendments to the previously approved site plan in Case No. 87-316-A to reflect the proposed improvements, and a special exception to permit a fuel service station use-in-combination with a convenience store. The Petitioner also filed a Petition for Variance seeking relief from Section 413.2(f) to permit a double-faced sign of 125.34 sq.ft. total in lieu of the maximum permitted 100 sq.ft. sign; however, the Petitioner subsequently withdrew its request and the matter proceeded on the requests for special hearing and special exception, only. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, Project Manager for Exxon Corporation, M. Catherine Rehak, Dealer for the past five years, Timothy Whittle, Professional Engineer with Exxon

